



CURRITUCK COUNTY NORTH CAROLINA

February 1, 2021

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4:30 PM Public Safety Center Progress Update

The Currituck County Board of Commissioners met in a Work Session at 4:30 PM in the Board Meeting Room to receive a progress update and consider design options for the County's new Public Safety Center being built in Barco, North Carolina. Assistant County Engineer, Michelle Perry, introduced project construction and design contractors in attendance and Architect Angie Crawford of Boomerang Design attended virtually to present design options for Board consideration. Commissioners provided feedback on their preferences for the exterior plaza and interior lobby areas. Commissioners selected option "B" for the exterior plaza's service memorial design. Commissioners also provided input on placement of flags, benches and concrete walkway areas for the exterior.

Commissioners considered interior design options for the lobby area. After review, option "C" was selected, which consisted of a map of the county, departmental logos of those who will occupy the building, and assorted photos. Commissioners requested the logos be reduced in size and preferred some historical photos be included in the graphic. Ms. Crawford said she would refine the designs and bring those back to Commissioners for consideration.

Following the Public Safety Center review, County Manager Ben Stikeleather reported on the Covid-19 clinic operations held earlier that morning at which many out-of-state residents had shown up to receive vaccines. Following some discussion, Commissioners agreed that future clinics would prioritize North Carolina residents and shots may be offered to out-of-state residents if some doses remained. Plans for future clinics were discussed and Sheriff Beickert and Emergency Management Director Mary Beth Newns were acknowledged for their efforts at the earlier clinic.

The Work Session concluded at 5:26 PM.

6:00 PM CALL TO ORDER

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

Attendee Name	Title	Status	Arrived
Michael H. Payment	Commissioner	Present	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	

Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	
Bob White	Commissioner	Present	

Chairman Payment called the meeting to order and announced the earlier work session.

A) Invocation & Pledge of Allegiance

Chairman Payment offered anyone in attendance the opportunity to offer the Invocation. Sam Miller, an applicant in attendance for Public Hearing, gave the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner White moved for approval of the agenda. Commissioner McCord seconded the motion. The motion carried, 7-0.

Approved agenda:

Work Session

4:30 PM Public Safety Center Progress Update

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

Public Comment

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

Commissioner's

Report

County Manager's

Report

Public Hearings

A) PB 20-23 Miller Homes and Builders, LLC: Requests a conventional zoning map amendment of 1.05 acres from C-GB (Conditional - General Business) to GB (General Business) for property located at 155 Survey Road in Moyock, Moyock Township.

B) PB 20-19 Bissell Professional Group: Request for an

amendment to the Currituck County Unified Development Ordinance, Chapter 2: Administration, Section 2.4.8.D., Minor Subdivision, Chapter 6: Subdivision and Infrastructure Standards, Section 6.2.1., Street Standards, and Section 6.2.3. Utility Standards to simplify the approval process, design standards, and defer infrastructure installation for non-residential subdivisions containing three or fewer lots.

C) PB 20-25 Currituck County - Stormwater BMP Text

Amendment: This Text Amendment will revise Chapter 7 Section 3.4.B.2 to require new major subdivision stormwater infrastructure be designed for a twelve-inch rain event over a twenty-four- hour period.

D) Public Hearing and Consideration of Lease of County Property Held for Economic Development Purposes to Truck Accessory Center, Moyock, North Carolina

Old Business

- A) **PB 84-11: Corolla Light PUD, Phase 11-Outer Banks Ventures submitted an amended sketch plan/use permit application to allocate 8 residential units to Phase 11, located at 1099 Ocean Trail, Corolla.**

New Business

A) Board Appointments

1. Consideration of Reappointment to the Area Agency on Aging Regional Advisory Council-Joanne DiBello
2. Animal Services & Control Advisory Board
3. Historic Preservation Commission

B) Consent Agenda

1. Budget Amendments
2. Approval of Memorandum of Understanding Between North Carolina Department of Information Technology State Chief Information Officer and Currituck County to Establish Information Technology Relationship for Technology Improvement and Reduction of Cyber Risks
3. Vehicle Surplus Resolution-Nissan Titan, Inspections
4. Surplus Resolution-CCRC Maintenance Equipment
5. Approval Of Minutes-January 19, 2021 and January 27, 2021 Special Meeting

Adjourn

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

PUBLIC COMMENT

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

Chairman Payment opened the Public Comment period. No one was signed up nor wished to speak. The Public Comment period was closed.

COMMISSIONER'S REPORT

Commissioner Jarvis commended County staff who have worked to give thousands of Covid-19 vaccinations at the clinics held throughout the County. She spoke of the protocols for vaccination and asked that everyone follow the guidelines in place.

Commissioner Mary Etheridge encouraged people to help Currituck children in need by becoming a Foster Parent. She highlighted The Focus county newsletter and the wealth of information that is included.

Commissioner White said he has received many comments about how well the Corolla vaccine clinic went and thanked Ben Stikeleather, County Manager, Albemarle Regional Health Services (ARHS), first responders and emergency services for their efforts and assistance. Second shot information for Corolla residents will be announced as information is received. Commissioner White reported an investigation will take place to determine the cause of death of a couple of young horses on the off-road area. He reported on the methods for collecting funds and selecting roads for upgrades and maintenance in Carova Beach.

Chairman Payment, who sits on the ARHS Board for Currituck County, reported on the vaccine clinics throughout the service region and said decisions are made by the agency the operation of the area clinics. He reported on upcoming second dose clinics and suggested first dose quantities going forward will be 200-300 shots weekly, less than the weeks prior, and encouraged people to monitor websites for updates. He also thanked staff for their efforts and assistance at the clinics. Chairman Payment asked citizens to support their local fire departments.

Commissioner Beaumont serves on the Albemarle Regional Planning Organization and attended their recent virtual meeting. He reported North Carolina Department of Transportation is having funding issues and the county will have to live with those challenges in that regard. He said the Mid-Currituck Bridge is moving forward with construction permitting scheduled for October, 2021.

Commissioner J. Owen Etheridge expressed pride in the way the County has worked to make the Covid-19 vaccine clinics so successful.

Commissioner McCord recognized the efforts of all those involved with the Covid-19 clinics and noted the days clinic distributed 1,051 shots. He encouraged folks to follow the County's website and social media page for information on second shot clinics.

Commissioner McCord presented Currituck County resident Brook Sparks with a plaque in recognition of her work leading the Wounded Warrior in Action program in Currituck County. Ms. Sparks has coordinated the program for nine years and was in attendance to receive the plaque.

COUNTY MANAGER'S REPORT

Ben Stikeleather, County Manager, provided an update on the progress of the Mid-Currituck Bridge construction and noted permitting is continuing to move forward. He acknowledged County staff for their efforts to make the vaccine clinics successful. He announced the Board of Commissioners Retreat begins Thursday, February 4, 2021. Mr. Stikeleather announced recruitment of temporary workers to assist with vaccine clinics. Information is available on the County website.

PUBLIC HEARINGS

A. PB 20-23 Miller Homes and Builders, LLC:

APPLICATION SUMMARY	
Property Owner: Miller Homes and Building, LLC 111 Currituck Commercial Drive, Suite B Moyock, NC 27958	Applicant: Miller Homes and Building, LLC 111 Currituck Commercial Drive, Suite B Moyock, NC 27958
Case Number: PB 20-23	Application Type: Zoning Map Amendment
Parcel Identification Number: 0015-000-047B-0000	Existing Use: Single Family Dwelling and Bakery/specialty eating establishment
Land Use Plan Classification: Full Service	Parcel Size (Acres): 1.06 (survey) 1.05 (application and tax records)
Moyock SAP Classification: Full Service	
Land Use Plan Subarea: Moyock	Zoning History: A-40 (1974); AG (1989); C-GB (2018)
Current Zoning: C-GB	Proposed Zoning: GB
Request: Request for a zoning map amendment to rezone Conditional – General Business (C-GB) property to General Business (GB).	

Narrative

The applicant is requesting a conventional rezoning of approximately 1.05 acres from Conditional – General Business (C-GB) to General Business (GB). The subject property was rezoned as a conditional zoning application in 2018 that included a conceptual plan (site plan) of the property and conditions related to the proposed use and prohibited uses. This request will remove the zoning conditions and the conceptual plan. The 2018 application focused on an outbuilding that was intended to be converted to a bakery/light sandwich shop with the possibility to change the use if the bakery was not successful. The residential use was identified on the plan as a one-story modular dwelling and was not intended to change unless a new application was submitted to change the zoning district (including any conceptual plan/conditions). The

applicant is submitting the application to remove the zoning conditions and conceptual plan approved in 2018 and develop the property with uses that are allowed in the GB zoning district.

A use comparison is included at the end of this report.

Community Meeting

A community meeting was held November 9, 2020 at 155 Survey Road, Moyock. There were six people in attendance including the applicant and county representatives. The attendees asked questions regarding the proposed use and what changes will occur on their property.

SURROUNDING PARCELS

	LAND USE	ZONING
NORTH	CULTIVATED FARMLAND AND SINGLE FAMILY DWELLING	AG
SOUTH	RESIDENTIAL DEVELOPMENT WITH GOLF COURSE	AG
EAST	CULTIVATED FARMLAND	GB
WEST	PLANNED UNIT DEVELOPMENT	SFM WITH PUD OVERLAY

LAND USE PLAN

THE 2006 LAND USE PLAN (LUP) CLASSIFIES THIS SITE AS FULL SERVICE WITHIN THE MOYOCK SUBAREA. THE FULL SERVICE AREA SPECIFIES IT IS ESSENTIAL TO PRESERVE THE EXISTING COMMUNITY CHARACTER WITH RESPECT TO NONRESIDENTIAL USES. THE FOLLOWING POLICY IS RELEVANT TO THE ZONING MAP AMENDMENT REQUEST:

POLICY CD1	NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.
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MOYOCK SMALL AREA PLAN

THE 2014 MOYOCK SMALL AREA PLAN CLASSIFIES THIS SITE AS FULL SERVICE. FULL SERVICE DESIGNATED AREAS ENCOURAGES A HIGH DEGREE OF ARCHITECTURAL ELEMENTS AND CREATIVE SITE DESIGN. DEVELOPMENT IS INTENDED TO BE DESIGNED AND ORIENTED WITH PEOPLE IN MIND (HUMAN SCALE). THE FOLLOWING POLICIES ARE RELEVANT TO THE REQUEST:

POLICY CC2	Encourage non-residential and mixed use development that incorporates building and site design to enhance community appearance, promote human scale, and create a unique sense of place. This may include common themed building materials, forms, and site amenities.
POLICY ST2	Support local entrepreneurs that establish community serving businesses that diversify the local economy, are in close proximity to residential areas, and promote community interaction.

In North Carolina, it is illegal to impose conditions on rezonings to conventional zoning districts; therefore, this conventional zoning map amendment is a legislative decision of the Board of Commissioners and is not controlled by any one factor.

RECOMMENDATION

PLANNING STAFF

Beginning in 2007, conditional zoning has been a tool to help guide development to align with the community values and character recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to more appropriately address the impacts expected to be generated by the development. It provides predictability in the rezoning application to ensure that the development and use will conform to the county's adopted plans (2006 Land Use Plan and 2014 Moyock Small Area Plan) including LUP Policy CD1, CD4, CD5, and MSAP Policy CC2.

A conventional rezoning application is only required to meet the minimum standards of the UDO. The purpose of the General Business (GB) zoning district is to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways. The GB district includes some uses that are intended or more suited for major highways and not secondary roadways such as Survey Road. Potential use compatibility conflicts with the allowed general uses in the GB zoning district could include such uses as: a parking lot; bar, nightclub, and lounge; convenience store; laundromat; pawn shop; boat and marine rental sales and service; automobile repair and service; car wash; taxicab service; hotel/motel; contractor service; and crabshedding. The conditional zoning process can tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. It can also address impacts that may be associated with the particular property and intended land use. Since the adoption of the 2013 UDO, conventional rezoning approvals included properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts.

The request does not appear to be in direct conflict with the 2006 Land Use Plan or the Moyock Small Area Plan. However, the LUP and the MSAP further describe highway oriented commercial uses that are more intended along major highways and do not encroach within or immediately adjoining existing residential areas (LUP Policy CD4, and CD5). The request does not provide assurances that all of the allowed uses in the GB zoning district would be consistent with the goals, objectives, and policies of the officially adopted plans. The property is located along a secondary road and across the street from a planned unit development with planned neighborhood serving commercial uses with use permit conditions intended for the undeveloped property. The property is also adjacent to existing GB zoning district that has frontage on Caratoke Highway.

In an effort to provide assurances that address the 2006 LUP and MSAP compatibility policies, staff recommends the applicant submit a conditional zoning application with a plan that is more conceptual in nature. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains the community values and consistency with the officially adopted plans.

The request does not appear to provide any direct conflict with the 2006 LUP or MSAP. The board may determine that the location, size of the property, and general district allowable uses are consistent with LUP and MSAP; and compatibility can adequately be addressed through the site plan review process and requirements of the UDO.

PLANNING BOARD RECOMMENDATION

The Planning Board gave the following recommendation of approval on January 12, 2021:

Chairman Ballance moved to recommend approval of PB 20-23 because the request is consistent with Land Use Plan and Policy CD1 and the Moyock Small Area Plan Policies CC2 and ST2.

The request is reasonable and in the public interest because:

- The property is designated as Full Service in the Land Use Plan and the Moyock Small Area Plan.
- The property is adjacent to General Business zoned property.
- The property is approximately 1.05 acres and limits the size and scale of development.
- The allowable uses in the GB zoning district are consistent with the LUP and Moyock Small Area Plan and compatibility can be adequately addressed through the site plan review process and requirements of the UDO.

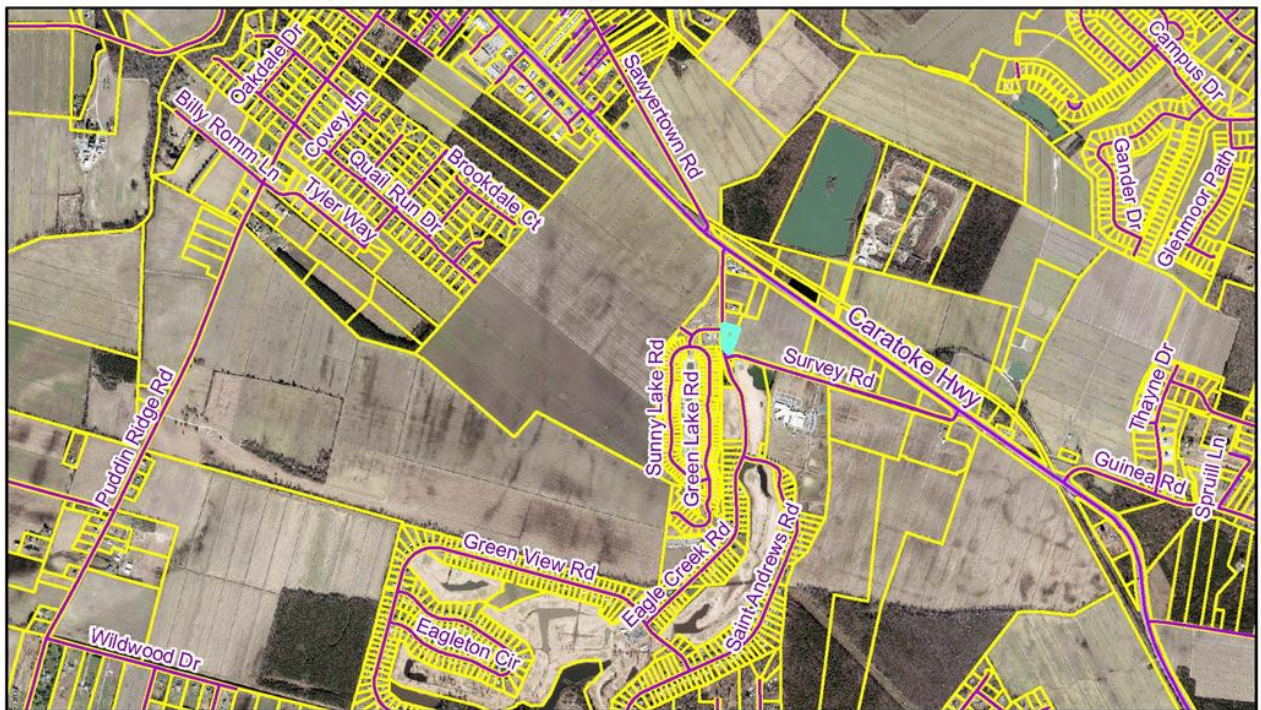
Mr. Doll seconded the motion and the motion carried unanimously 4-0.

A ZONING MAP AMENDMENT IS A LEGISLATIVE DECISION OF THE BOARD OF COMMISSIONERS. IN DETERMINING WHETHER TO APPROVE OR DENY A ZONING MAP AMENDMENT THE BOARD OF COMMISSIONERS SHALL ADOPT A WRITTEN STATEMENT OF CONSISTENCY AND REASONABLENESS.

USE COMPARISON	
2018 C-GB Zoning Conditions	Uses Allowed in GB
<u>Immediate Use:</u> Bakery and specialty sandwich shop <u>Potential Future Uses:</u> Eating Establishments Offices Recreation/Entertainment (indoor and outdoor) Retail Sales and Services limited to: Drug store or pharmacy Financial institution Repair establishment Retail sales establishment <u>Prohibited Uses (requires BOC approval):</u> Nightclubs Bar Automotive Sales Shopping Center Pawn Shop Arena, Stadium Wind Energy Major Utility Helicopter Landing Halfway House Boat Sales	Agriculture/Horticulture; Agri-education; Agri-entertainment Agribusiness; Equestrian facility; Farmer's and roadside market; Nursery; Agricultural research facility; Distribution hub for agricultural and agronomic products; Silviculture Dwelling (live/work, manufactured, single-family detached, upper story) Dormitory; Family care home; Rooming or boarding house Community Services Day Care Educational Facilities Government Facilities Health Care Facilities Assisted living facility; Auditorium, conference, and convention center; Club or lodge; Halfway house (u); Nursing home; Religious institution Arboretum or botanical garden; Community garden; Park Police, fire, or EMS facility Airport (u); Helicopter landing facility (u) Passenger terminal (surface transportation) Telecommunications antenna and tower (u); Utility, minor/ major (u); Animal Care Eating Establishments Offices Parking lot Recreational/Entertainment, Indoor Arena, amphitheater, or stadium(u); Athletic facility; Golf driving range; Marina; Outdoor tour operator (u); Outdoor Recreation

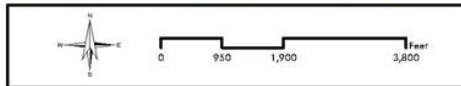
USE COMPARISON

Artisan food and beverage producer; Bar, nightclub, or cocktail lounge; Convenience store; Drug store or pharmacy; Entertainment establishment; Financial institution; Funeral home; Grocery store; Laundromat; Pawn shop (u); Personal services establishment; Repair establishment; Retail sales establishment; Shopping center (u); Winery
 Boat and marine rental, sales, and service
 Vehicle sales and service, light
 Visitor Accommodations
 Contractor service
 Crabshedding; Research and development
 Public convenience center/transfer station (u)

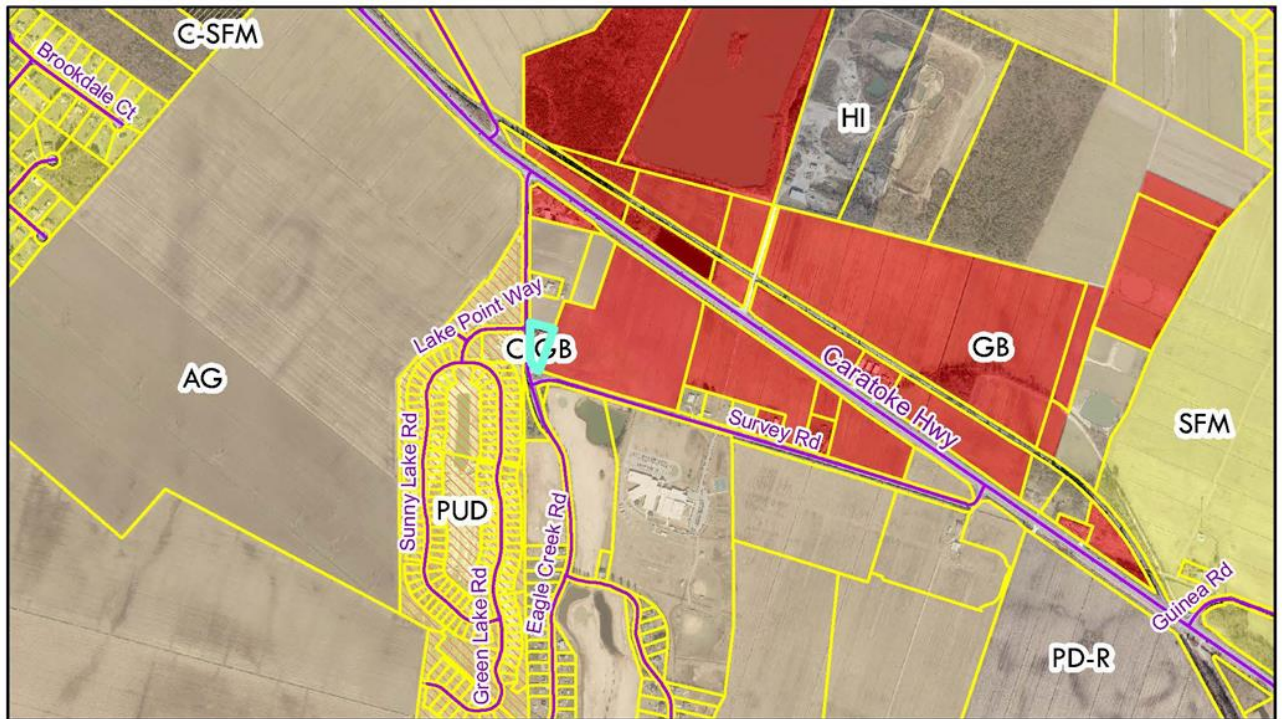


PB 20-23

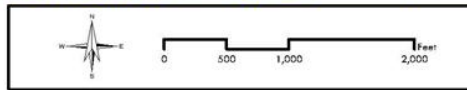
Miller Homes and Building, LLC
 Aerial Context Map



Currituck County
 Planning and Community
 Development



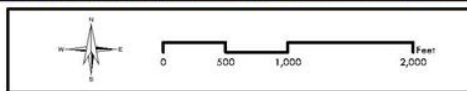
PB 20-23
Miller Homes and Building, LLC
Zoning Map



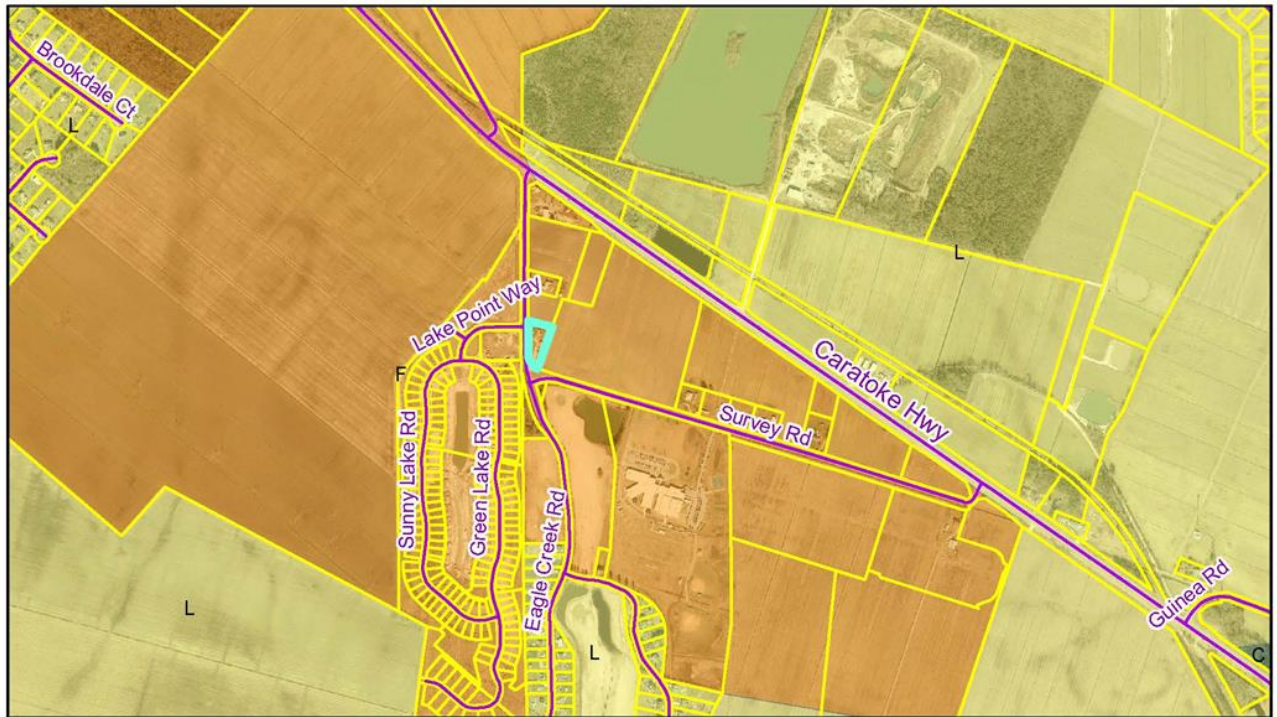
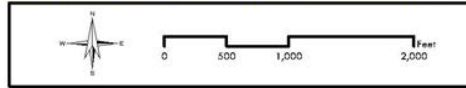
Currituck County
Planning and Community
Development



PB 20-23
Miller Homes and Building, LLC
2006 Land Use Classification Map



Currituck County
Planning and Community
Development

**PB 20-23**Miller Homes and Building, LLC
2014 Moyock Small Area PlanCurrituck County
Planning and Community
Development

Assistant Planning Director, Donna Voliva, reviewed the request for Commissioners. The overhead was used to display aerial maps of the location, area zoning, surrounding Land Uses. Specific information in the agenda packet was highlighted, and General Business purposes within the Unified Development Ordinance (UDO) were referenced. Ms. Voliva explained conditions cannot be established because it is a request for conventional zoning. Land Use Plan and Moyock Small Area Plan policies were reviewed. The Planning Board recommended approval of the request. Staff recommended a Conditional zoning be considered to allow flexibility and compatibility. Ms. Voliva responded to several questions related to commercial uses near other residential development and impacts of a straight General Business (GB) zoning at the location.

Applicant, Sam Miller, addressed the Board to speak to the operation of the existing bakery at the location and why the initial decision was made to apply for a conditional rezoning. He clarified the reasoning behind the current application to change to straight General Business zoning and responded to questions from Commissioners. Mr. Miller said no major concerns were raised at the community meeting.

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

Commissioner J. Owen Etheridge moved for approval of PB 20-23: Miller Homes and Building, LLC, because the requests is consistent with the Land Use Plan (LUP) Policy CD1 and the Moyock Small Area Plan Policies CC2 and ST2.

The request is reasonable and in the public interest because the property is designated as Full Service in the Land Use Plan and the Moyock Small Area Plan; the property is adjacent to General Business zoned property; the property is approximately 1.05 acres and limits the size and scale of development; the allowable uses in the GB zoning district are consistent with the LUP and Moyock Small Area Plan and compatibility can be adequately addressed through the site plan review process and requirements of the UDO.

The motion was seconded by Commissioner McCord. The motion carried, 7-0.

A brief recess was called at 7:22 PM following the hearing. The meeting reconvened at 7:28 PM.

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

B. PB 20-19 Bissell Professional Group:

To: Board of Commissioners

From: Planning Staff

Date: January 25, 2021

Subject: PB 20-19 Bissell Professional Group

Mark Bissell, Bissell Professional Group, submitted a text amendment to the Unified Development Ordinance (UDO) to establish a process and review standards for non-residential minor subdivisions in the General Business (GB) zoning district. The request would also modify the infrastructure standards and installation requirements for this type of development. The proposed text amendment allows the developer to create up to three lots as a non-residential minor subdivision for commercial uses from the parent parcel that existed on the effective date of this amendment. If approved, the developer could create lots under the provisions of the amendment and delay infrastructure installation to a later time and not completed as part of the subdivision. Instead, the development would be completed more similar to individual site development plans. The delay in infrastructure installation could include water mains and service, sewer, road or access improvements including deceleration lanes, landscaping, buffers, and stormwater.

Background

At its January 2019 retreat, the Board of Commissioners directed staff to address the increasing use of minor subdivisions and the potential safety issue from subdivisions creating lots and installing driveways along existing state roads. In 2019, minor subdivisions were divisions of land into 5 lots or less without significant infrastructure improvements (i.e. road installed to

NCDOT standards, fire hydrant, fire pond). The adopted language (September 3, 2019) reduced the number of lots created as a minor subdivision (maximum of three lots) and limited driveway cuts along existing NCDOT streets preserving the traffic function of these existing roads. The amendment also required all lots to access an internal subdivision street, unless exempt.

The applicant's request states the 2019 text amendment prohibits the platting of additional lots on existing state roads and has the effect of slowing commercial site development particularly in the Moyock commercial corridor by making it difficult to divide existing larger commercial tracts along Caratoke Highway for the purpose of commercial development.

Request Summary

1. Non-residential minor subdivision of no more than three lots zoned GB with frontage on an existing NCDOT public street.
2. Parent parcel date to be changed from April 2, 1989 to the effective date of the amendment.
3. Driveway (shared or individual) construction in easements instead of road construction in a right of way.
4. Individual lot stormwater design (site plan design standards instead of subdivision design standards).
5. Individual water and sewer (public/private/individual) to be provided prior to initiation of the use instead of installed before the subdivision is recorded and/or building permit application for water and sewer.
6. General Development Plan.

Staff Comments Regarding the Proposed Request

Establishing a non-residential minor subdivision process for General Business (GB) zoned property could streamline the subdivision review process for commercial projects. Allowing the parent parcel to be reestablished from April 2, 1989 to the adoption date of the text amendment for non-residential minor subdivisions could also increase flexibility in the process. This would reduce the review time and eliminate the subdivision requirements associated with major subdivisions for properties that were previously divided and no longer qualify for minor subdivisions. Those two changes would reduce the difficulties identified in the application.

During discussions at the December Planning Board meeting the number of lots requested in the application was identified as a conflict with the 2019 approved text amendment. The applicant amended his request and reduced the number of allowable lots that could be divided as a minor subdivision from four to three to be more consistent with the 2019 text amendment.

Since the January Planning Board meeting, the applicant agreed to add the staff requested modifications to the text amendment. Non-residential development can have different water and wastewater demands that are not always known at the subdivision review process, and the installation of the utilities would be deferred to the building permit application authorizing construction of the use. In addition, development fee language was removed from the request since NC General Statutes identifies the timing in which development fees for public water and sewer must be paid.

The maintenance of a shared access can become an issue when additional lots access the common infrastructure without agreements in place that outline the maintenance responsibilities. After the December Planning Board meeting, the applicant modified the language to require an agreement be recorded specifying responsibility for the maintenance of common infrastructure. The agreement will be recorded prior to the issuance of the building permit authorizing

construction of the use. In addition, the drive aisle access, utilities, and drainage improvements will be extended to the abutting property (including easements) to reduce the construction impacts to the established lot, and accommodate an efficient access point to the abutting property possibly during construction.

The proposed text amendment, if adopted, requires a general development plan to identify existing water and sewer lines, stormwater infrastructure, approximate plan and location for water and wastewater, conceptual drainage plan, preliminary location for building pads and parking areas, and a preliminary plan for fire protection. The amendment will generate a development that is individually designed and managed instead of a planned subdivision that is designed, installed, and maintained as a comprehensive project.

The subdivision standards of the UDO primarily address right of way or street access instead of the easement. New subdivision streets are used for setbacks, defining lot frontage, site landscaping, sidewalks, and street trees. The applicant is proposing all lots that are part of the non-residential minor subdivision front an existing NCDOT public street. This frontage requirement will establish the NCDOT right of way as the basis for meeting the UDO standards listed above.

Text Amendment Review Standards

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

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation (updated after January Planning Board meeting)

The applicant agreed to include the staff recommended modifications to the request following the January Planning Board meeting. Staff recommends approval of the proposed text amendment.

The proposed text amendment is consistent with the Unified Development Ordinance and the County Code of Ordinances. Although there is no direct correlation to goals, objectives, and policies in the 2006 Land Use Plan, the request would be consistent with:

POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

And, the request will result in a logical and orderly development pattern since new development requires a general plan of development addressing the infrastructure improvements and maintenance responsibilities for the improvements with this proposed text amendment.

Planning Board Recommendation

On January 12, 2021, the Planning Board recommended approval with the following changes:

Bryan Bass moved to recommend approval of PB 20-19 subject to the staff and the applicants suggested modifications:

- Where the proposed language states: “prior to the initiation of the use on the first subdivision lot”, and “prior to initiation of the use on each subdivision lot”, staff recommends the language be replaced with: “at the time of issuance of the building permit authorizing construction to begin on each subdivision lot”.

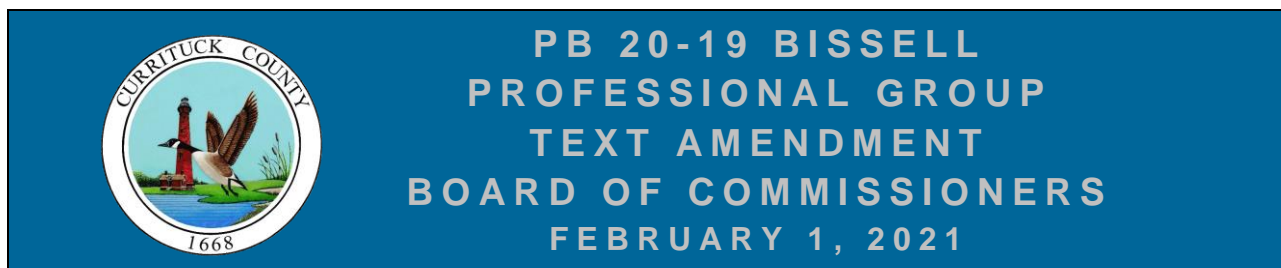
- Utilities and interconnecting drive aisles providing a cross access to abutting properties shall be extended to the property line. All construction, utility, drainage, and access easements shall be provided to abutting property lines at the time of issuance of the building permit authorizing construction to begin on each subdivision lot.

Because the request is consistent with the 2006 Land Use Plan Policy CD4 by encouraging nonresidential development to cluster along arterial roadways and provide internal vehicular connectivity.

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

- The proposed text amendment will result in a logical and orderly development pattern since new development would be required to submit a general plan of development addressing the installation of infrastructure improvements as well as the maintenance responsibilities of private and common infrastructure.

Mr. Doll seconded the motion and the motion carried unanimously 4-0.



PB 20-19 Bissell Professional Group requests an amendment to the Unified Development Ordinance, Chapter 2: Administration and Chapter 6: Subdivision & Infrastructure Standards to simplify the approval process, design standards, and defer infrastructure installation for non-residential development containing three or fewer lots.

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

Item 1: That Chapter 2 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 2.4.8.

6.1.3.1. Minor Subdivision**6.1.3.1.1. Procedure****6.1.3.1.1.1. Pre-Application Conference**

Not applicable.

6.1.3.1.1.2. Community Meeting

Not Applicable.

6.1.3.1.1.3. Application Submittal and Acceptance

6.1.3.1.1.3.1. Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the standards in Section 2.4.8.E.5.b, Final Plat Review Standards.

6.2.3.1.1.1.1. Applications for a family subdivision shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to family members, and that conveyance of a lot in a family subdivision to a non-family member is a violation of this Ordinance.

6.1.3.1.1.4. Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall decide an application for a minor subdivision in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.D.2, Minor Subdivision Review Standards.

6.1.3.1.1.5. Public Hearing Scheduling and Public Notification

Not applicable.

6.1.3.1.1.6. Public Hearing Procedures

Not applicable.

6.1.3.1.1.7. Advisory Body Review and Recommendation

Not applicable.

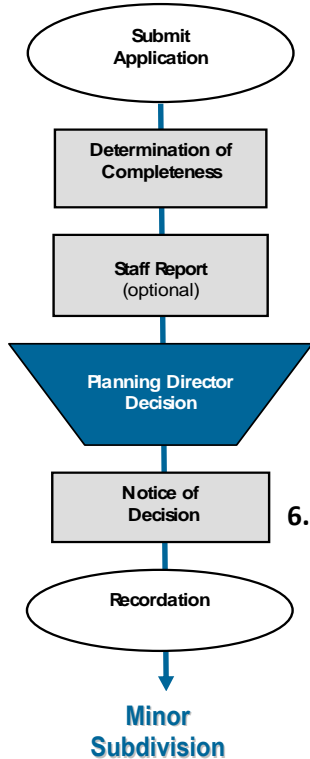
6.1.3.1.1.8. Decision-Making Body Review and Decision

Not applicable.

6.1.3.1.2. Minor Subdivision Review Standards**6.1.3.1.2.1. General Standards**

A minor subdivision shall be approved on a finding that:

- 6.1.3.1.2.1.1. It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;
- 6.1.3.1.2.1.2. It complies with the dimensional standards of Chapter 3;
- 6.1.3.1.2.1.3. It will result in no more than three lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions), or as allowed in Section 2.4.8.D.2.C Additional Standards for Non-residential Minor Subdivisions;
- 6.1.3.1.2.1.4. It does not front an existing NCDOT-maintained public street (except for Family Subdivisions) and Non-residential Minor Subdivisions;



- 6.1.3.1.2.1.5. The parent parcel and new parcel(s) shall front a private access street (except as allowed in Section 2.4.8.D.2.C. , Additional Standards for Non-residential Minor Subdivisions). The existing driveway to the parent parcel shall be removed if the driveway is not converted into the private access street to serve the resultant parcels;
- 6.1.3.1.2.1.6. There is no public right-of-way dedication;
- 6.1.3.1.2.1.7. It does not create a private access street serving more than two lots unless it is a family subdivision;
- 6.1.3.1.2.1.8. Any private access street created shall connect to an existing NCDOT-maintained public street and shall comply with Section 6.2.1.B.1 Private Access Street Standards; and,
- 6.1.3.1.2.1.9. It does not require significant infrastructure improvements. For the purpose of this section significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.

6.1.3.1.2.2. Additional Standards for Family Subdivisions

Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:

- 6.1.3.1.2.2.1. Lots shall be conveyed solely to family members within two degrees of kinship (e.g., child, grandchild). A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.
- 6.1.3.1.2.2.2. No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal.
- 6.1.3.1.2.2.3. Ingress and egress to a lot shall not be from a major arterial street.
- 6.1.3.1.2.2.4. Private access streets created shall connect to an NCDOT-maintained public street and shall not serve more than five lots.
- 6.1.3.1.2.2.5. Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

6.1.3.1.2.3. Additional Standards for Non-Residential Minor Subdivisions

Non-residential minor subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above. In order to assure orderly development, non-residential minor subdivisions shall also comply with the following:

- 6.1.3.1.2.3.1. Lots shall be created exclusively for commercial use and on properties that are located in a GB zoning district.
- 6.1.3.1.2.3.2. No more than three lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed on (effective date of amendment).
- 6.1.3.1.2.3.3. Lots shall front on an existing NCDOT maintained public street. Ingress and egress points shall be designated on the plat and shall comply with Section 6.2.1.D.5.B. Minimum Separations.

- 6.1.3.1.2.3.4. A general plan of development shall be provided showing the following:
- 6.1.3.1.2.3.4.1. Locations of existing water and sewer lines and stormwater facilities in the vicinity of the property.
 - 6.1.3.1.2.3.4.2. Approximate plan and location for water service to each of the proposed lots on the property.
 - 6.1.3.1.2.3.4.3. Either a site evaluation report from Albemarle Regional Health Services, or an approximate plan and location for sewer service to each of the proposed lots on the property.
 - 6.1.3.1.2.3.4.4. A conceptual drainage plan for the property.
 - 6.1.3.1.2.3.4.5. Preliminary locations for building pads and parking areas for each of the lots.
 - 6.1.3.1.2.3.4.6. A preliminary plan for fire protection.
 - 6.1.3.1.2.3.4.7. An access management plan, including the locations of proposed internal easements that provide access and circulation between lots and easements for the interconnection of utilities and drainage facilities. Parking lot cross access easements shall be designated at the individual site plan review stage in accordance with Section 5.1.4.
 - 6.1.3.1.2.3.4.8. An agreement specifying responsibility for the maintenance of private common infrastructure. The maintenance agreement shall be recorded prior to the issuance of the building permit authorizing construction to begin on each subdivision lot.
 - 6.1.3.1.2.3.4.9. Development that will connect to existing public water and sewer utilities shall be in accordance with Section 6.2.3, and obtain all necessary county, State, and Federal agency permits prior to issuance of the building permit authorizing construction to begin on each subdivision lot.
- 6.1.3.1.2.3.5. Utilities and shared drive aisles providing cross access to abutting properties shall extend to the property line of each subdivision lot as provided on the general plan of development. All required construction, utility, drainage, and access easements shall be provided to abutting property lines prior to issuance of the building permit authorizing construction to begin on each subdivision lot.
- 6.1.3.1.2.3.6. A note shall appear on the final plat advising the public that each lot is responsible for providing access, water, sewer, and fire protection as necessary to comply with the provisions of this ordinance.
- 6.1.3.1.3. Effect of Development Approval**
- 6.1.3.1.3.1. Approval of a minor subdivision constitutes approval of a final plat for subdivision.
 - 6.1.3.1.3.2. Lots shall not be sold or conveyed until after a final plat has been recorded.

6.1.3.1.4. Amendment of Development Approval

Applicable (see Section 2.3.14).

6.1.3.1.5. Expiration of Development Approval

A minor subdivision plat shall be recorded with the Currituck County Register of Deeds within 90 days of its approval, or it shall be null and void.

Item 2: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 6.1.3.

6.1.4. Subdivision Standards**6.1.4.1. Local, State, or Federal Agency Permits Required**

6.1.4.1.1. Except for Non-residential minor subdivisions, A applicants proposing a subdivision that will connect to existing public water or sewer systems shall obtain all necessary county, State, and Federal agency permits prior to approval of the subdivision. Requirements for non-residential minor subdivisions are specified in Section 2.4.8.D.2.C.

Item 3: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 6.2.1.

6.2. REQUIRED INFRASTRUCTURE

Unless exempted, all development in the county shall comply with the standards in this section.

6.2.1. Street Standards**6.2.3.1. Street Access****6.2.3.1.1. Streets Serving Non-Residential Minor Subdivisions**

Streets serving non-residential minor subdivisions are exempt from the prohibition in C.1. above provided they comply with Section 6.2.1.D.5.B. Minimum Separation. Cross-access easements shall be provided as necessary for access to each non-residential subdivision lot.

Item 4: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 6.2.3.:

11.3.3. Utility Standards**6.2.3.2. Water Supply Standards****6.2.3.2.1. Connection to Public Water Supply System**

6.2.3.2.1.1. The developer shall install the water mains and accessories necessary so that all lots and uses to be developed are able to connect to the county water supply system. Non-residential minor subdivisions shall be permitted to extend water service to the lots after the subdivision has been recorded in accordance with Section 2.4.8.D.2.C. If a highway bore is required to bring water service to the

subdivision, only one bore shall be permitted per minor subdivision.

6.2.3.3. Sewage Disposal Standards

6.2.3.3.1. Sewage System Required

6.2.3.3.1.1. Every principal use and every buildable lot in a subdivision shall be served by a wastewater system that complies with all Albemarle Regional Health Services and State standards. Non-residential minor subdivision shall be permitted to extend sewer service to the lots after the subdivision has been recorded in accordance Section 2.4.8.D.2.C.

Item 5: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 6.2.4.:

6.2.4. Fire Protection Standards

6.2.3.4. General Provisions

6.2.3.4.1. Fire Hydrants Required

All development serviced by the county water supply system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development. Fire hydrants shall be located in a manner that ensures hydrants are spaced a maximum of 1,000 linear feet apart and every portion of lot frontage is within 500 linear feet of a hydrant. The Fire Code Official may authorize or require a deviation from this standard if, in the opinion of the Fire Code Official, another arrangement satisfactorily complies with the intent or standards in this Ordinance. Non-residential minor subdivisions shall be permitted to install fire hydrants in connection with the development of each building site, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning and Community Development. If a highway bore is required to bring fire service to the subdivision, only one bore shall be permitted per subdivision.

Item 6: Staff suggested Statement of Consistency and Reasonableness:

The proposed text amendment is consistent with the Unified Development Ordinance and the County Code of Ordinances. Although there is no direct correlation to goals, objectives, and policies in the 2006 Land Use Plan, the request (with staff recommended modifications) would be consistent with:

- POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize

signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

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

- The proposed text amendment will result in a logical and orderly development pattern since new development would be required to submit a general plan of development addressing the infrastructure improvements and maintenance responsibilities of private and common infrastructure.

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 _____, 2021.

Donna Voliva, Assistant Planning Director, reviewed the text amendment request for Commissioners. She provided the background for the proposal, allowances in the application, and Planning Board recommendations for approval, which were incorporated into the text amendment. She said staff approval was recommended with those modifications. Consistency statements supporting approval were reviewed and Ms. Voliva responded to questions.

Applicant, Mark Bissell, used a powerpoint to review the request, and he provided additional information related to the application and the specific site, ready for development, that spurred the text amendment request. Mr. Bissell responded to questions during presentation and Commissioners considered whether the number of lots should be increased to five from three as stated in the application. Larry Lombardi, Economic Development Director, said commercial development should be looked at based on the piece of property and not on an arbitrary number of lots. Laurie LoCicero, Planning and Community Development Director, explained the text amendment is very specific to address only minor subdivisions that fall within a parent parcel.

Chairman Payment opened the Public Hearing.

Cathleen Saunders, Engineer with Quible and Associates, spoke in support of approval of the text amendment. She said Tractor Supply, a business locating in Moyock, has run into the same issue, and speaking on their behalf, Ms. Saunders said that developer, Baseline Development, also support approval of the text amendment.

No others were signed up nor wished to speak and the Public Hearing was closed.

Commissioners asked about increasing the number of lots and County Attorney, Ike McRee, said in his opinion the increase to five would constitute a significant change making the item have to be brought back through the process. As delay would negatively affect Tractor Supply from moving forward with their project Mr. McRee

suggested adopting the language as is and coming forward with another amendment later if desired.

Commissioner Beaumont moved to approve PB 20-19: Bissell Professional Group text amendment because the request is consistent with the 2006 Land Use Plan Policy CD4 by encouraging non-residential development to cluster along arterial roadways and provide internal vehicular connectivity. And, the request is reasonable and in the public interest because the proposed text amendment will result in a logical and orderly development pattern since new development would be required to submit a general plan of development addressing the installation of infrastructure improvements as well as the maintenance responsibilities of private and common infrastructure.

The motion was seconded by Commissioner J. Owen Etheridge. The motion carried, 7-0.

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

C. PB 20-25 Currituck County - Stormwater BMP Text Amendment:

To: Board of Commissioners

From: Planning Staff

Date: January 25, 2021

Subject: PB 20-25 Currituck County Text Amendment
Stormwater BMP

At its 2020 retreat, the Board of Commissioners discussed ways to address the stormwater and drainage issues the county is experiencing. These stormwater and drainage problems are especially impactful with the rate of growth of residential development. From the retreat discussion, staff received direction to model the impacts of "doubling" the stormwater regulations on a major subdivision project. A major subdivision is defined as a subdivision creating more than three lots. The current standards of the Unified Development Ordinance require new major subdivisions be designed to handle a ten-year, twenty-four-hour storm event, which is nearly equivalent to a six-inch rain event over twenty-four hours. The Timmons Group was tasked with modeling the increased pond storage size for two existing subdivisions, Froggy Meadows and Countryside Estates. They compared stormwater pond size for storing a six-inch rain versus a twelve-inch rain over a twenty-four-hour period. Staff from the Timmons Group presented their results at a Board meeting in June 2020.

Doubling of the regulations led to the following conclusions:

1. The pond area was increased by 2.5 times.
2. Resulted in a 15% loss in lot yield.

This Text Amendment will revise Chapter 7 Section 3.4.B.2 to require new major subdivision stormwater infrastructure be designed for a twelve-inch rain event over a twenty-four-hour period.

This amendment will require some changes to Chapter 2 of the County Stormwater Manual. Specifically, sections 2.1, 2.4.3, 2.4.4 and 2.4.5 will need to be revised. Planning staff and Stormwater are working on manual to coincide with potential enactment of this new regulation.

Text Amendment Review Standards

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

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation

Staff recommends approval of the request as submitted and suggests the following Statement of Consistency and Reasonableness:

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

Vision Statement: We will strive to maintain and enhance the quality of life within our communities for present and future generations by providing: [...]

- sound transportation planning and water, waste, and stormwater services for a growing population

Section 1: Community Concerns and Aspirations. “Although County development regulations are considered to be extremely strong, stormwater management concerns have been escalating as impervious surfaces and associated run-off have increased. For the Mainland, these concerns focus mostly on the abandonment and filling in of relic as well as functioning farm ditches to accommodate new development. Moreover, highly engineered

stormwater management plans are being proposed to meet county requirements while existing, yet less sophisticated, systems are not being well maintained.”

Goal 7.9: To ensure development is sensitive to the physical constraints of the land. (E)

5. Develop procedures for County review of drainage and storm water control plans and establish a system to verify plans have been implemented in the field; RESPONSIBLE AGENCY: Currituck County Planning Department, County Engineer, and Soil Conservation Service

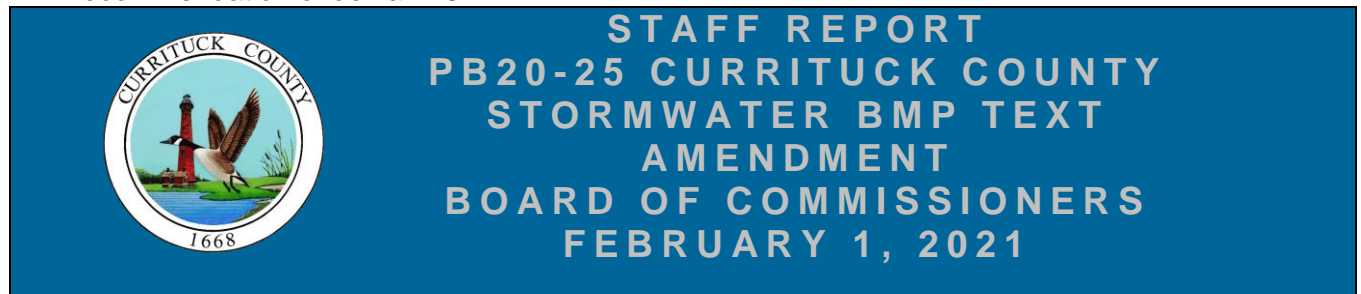
Planning Board Recommendation

The Planning Board made the following recommendation for denial on January 12, 2021:

Mr. Bass moved to recommend denial of PB 20-25 because the request is not consistent with the Land Use Plan given the expert testimony that we heard tonight we do not feel that it will solve the problem that has been addressed.

And the request is not reasonable and in the public interest because according to the expert testimony we have heard tonight it will not solve the issue.

Chairman Ballance seconded the motion and the motion carried with a unanimous recommendation of denial 4-0.



Amendment to the Unified Development Ordinance Chapter 7: Environmental Protection.

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 7: Environmental Protection be amended by adding the following underlined language and deleting the struck-through language:

7.3 STORMWATER MANAGEMENT

7.3.4. Stormwater Management Standards

B. Stormwater Detention Requirements

- (2) Major Subdivisions subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from a 12 inch the 24-hour storm event ~~with a 10-year recurrence interval~~ down to the pre- development discharge rate from the 24-hour storm event with a 2-year recurrence level based on pre-development conditions from a wooded site.

Item 2: Statement of Consistency and Reasonableness:

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

- It will maintain consistency with the Currituck County Land Use Plan's Vision Statement.
- It provides enhancements to our Stormwater services.
- It recognizes the Currituck County Planning and Engineering Departments, with the Soil Conservation services as the responsible agency to implement and require Stormwater plans.

The request is reasonable and in the public interest because:

- It continues the County's position in the Land Use Plan for addressing stormwater
- For new major subdivisions, it will help minimize stormwater damage to private and public property.

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

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2021.

Planning and Community Development Director, Laurie LoCicero, reviewed the background that caused the County to initiate the text amendment based on direction received from the Board at their 2020 Retreat. Ms. LoCicero presented a summary of development impacts noted in a study performed by Timmons Group based in implementation of the stormwater regulations proposed. Feedback from stakeholder meetings were reviewed. Text amendment language, consistency statements and policies supporting approval were presented. Planning Board recommended denial of the text amendment based on testimony heard at the Planning Board meeting.

Commissioners discussed the proposed text amendment and were conflicted with the significant increase of stormwater pond requirements. Commissioners agreed on a need for a comprehensive stormwater plan for the County as opposed to increasing the size of stormwater ponds.

Chairman Payment opened the Public Comment period.

Andy Deal, Engineer and Point Harbor resident, discussed the potential impacts and increased flood risks that could occur with larger stormwater ponds. He discussed the stormwater infrastructure in the County, particularly ditching, and suggests modeling can provide a full picture to address stormwater issues.

David Klebitz, Engineer with Bissell Professional Group, reiterated his position stated at earlier meetings that the county needs to study and come up with a comprehensive plan to address the entire watershed.

No others were signed up nor wished to speak and the Public Comment period was closed.

Following discussion, Commissioner Beaumont moved to withdraw the County's Text amendment application PB 20-25. Commissioner McCord seconded the motion to withdraw. The motion carried, 7-0.

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

D. Public Hearing and Consideration of Lease of County Property Held for Economic Development Purposes to Truck Accessory Center, Moyock, North Carolina

County Attorney, Ike McRee, reviewed earlier Board action on the adoption of a Resolution to set aside property for Economic Development purposes and reviewed the lease negotiated with Truck Accessory Center for use of the property as a storage area for recreational vehicles. Terms of the lease were reviewed. Staff recommends approval of the lease.

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

Commissioner J. Owen Etheridge moved for approval. Commissioner Jarvis seconded the motion. The motion carried, 7-0.

NORTH CAROLINA

LEASE AGREEMENT

CURRITUCK COUNTY

THIS LEASE AGREEMENT, made and entered into by and between, CURRITUCK COUNTY, a body corporate and politic existing under the laws of the State of North Carolina, (the "Lessor"), and THE TRUCK ACCESSORY CENTER, INC., a North Carolina corporation, (the "Lessee").

WITNESSETH:

That subject to the terms and conditions set out in this Lease Agreement, Lessor lets and leases to the Lessee, and the Lessee accepts as tenant of Lessor, space for

storing recreational vehicles as inventory for Lessee's business which space is a portion of a 4.32 acres tract or parcel of land owned by Lessor which is shown on a plat or map recorded in Plat Book K, Page 106, Currituck County Registry, and located at 106 Caratoke Highway, Moyock Township, Currituck County, North Carolina and more particularly described as follows, (the "Premises"):

Beginning at an existing iron rebar situated in the southwest corner of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry, the northeast corner of Lot 55, Phase 2. North Point Subdivision more particularly shown at Plat Cabinet D, Slide 76 of the Currituck County Registry and northwest corner of Frank C. Bernard, Jr. and wife, Phyllis A. Bernard property more particularly described at Deed Book 283, Page 179 of the Currituck County Registry; thence from the point of beginning along the western boundary line of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry North 32 degrees 59 minutes 55 seconds West 167.00 feet to a point, cornering; thence North 57 degrees 00 minutes 05 seconds East 274.85 feet to a set rebar in the southeastern boundary line of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry, cornering; thence South 32 degrees 59 minutes 55 seconds East 167.00 feet to a set rebar; thence South 57 degrees 00 minutes 05 seconds West 274.85 feet to the point and place of beginning.

The terms and conditions of this Lease are as follows:

- 1) The term of this Lease shall be for an initial period of two years beginning on January 1, 2021 and ending on December 31, 2022. Thereafter, the term of the Lease Agreement shall be automatically extended for seven (7) additional two (2) year terms unless Lessee provides written notice to Lessor that Lessee does not intend to renew this Lease Agreement at least thirty (30) days prior to the expiration of the then current term.
- 2) As rental for the Premises, Lessee shall pay to Lessor, at the address noted below, and without notice or demand therefore, the sum of EIGHTEEN THOUSAND AND NO/ONE HUNDRED DOLLARS (\$18,000.00) annually, payable on or before December 31 of each year.
- 3) Lessee shall use and occupy the Premises for the purpose of storing recreational vehicles as inventory for Lessee's business and in connection with Lessee's business, shall comply with all laws, ordinances, orders or regulations of any lawful authority having jurisdiction over the Premises and the use of the Premises.
- 4) It is understood and agreed that Lessee shall be responsible for any improvement to the Premises and for the upkeep, repair, and maintenance of the Premises and any improvements during the term of this Lease Agreement or any extension of this Lease Agreement. Notwithstanding the foregoing, the Lessor shall be responsible for the upkeep, repair and maintenance of the pond area located on the Premises. At the

expiration of the term of this Lease, or the prior termination of said Lease as provided in this Lease Agreement, Lessee shall be responsible for removing any improvements from the Premises and restoring the Premises to substantially the same condition as existed on the date of this Lease Agreement, normal wear and tear excepted.

5) During the term of this Lease. Lessee shall maintain comprehensive general liability insurance on an occurrence basis with maximum limits of liability in the amount of Three Hundred Thousand Dollars (\$300,000.00) for property damage, bodily injury, personal injury or death to anyone person. Lessee shall also maintain excess liability coverage with a per occurrence limit of One Million Dollars (\$1,000,000.00) and Lessee shall keep its property on the Premises insured against loss or damage by fire or other casualties.

6) Lessee shall neither use nor occupy the Premises or any part of the Premises for any unlawful or ultrahazardous business purpose nor operate or conduct its business in a manner constituting a nuisance of any kind.

7) Lessee shall pay prior to delinquency all taxes and assessments of every kind and nature which may be imposed or assessed upon or with respect to the structure and equipment placed on the premises by Lessee.

8) If the premises are wholly or partially destroyed by fire or other casualty, the rent amount shall abate in proportion to the loss of use of the Premises, and Lessee shall, at its own expense, promptly restore the Premises to substantially the same condition as existed before damage or destruction. Thereafter, the full rent amount shall resume.

9) If the whole of the Premises, or any portion of the Premises as will make the Premises unsuitable for use contemplated under this Lease Agreement, shall be taken under the power of eminent domain (including any conveyance in lieu thereof), then the term of this Lease Agreement shall cease as of the date possession is taken by the condemnor, and the rent amount shall be accounted for as between Lessor and Lessee as of that date.

10) All applications in connection with necessary utility services on the Premises shall be made in the name of Lessee only and Lessee shall be solely liable for utility charges as they become due, including those for electricity, gas, water, sewer, and telephone services.

11) Lessee shall be in exclusive control and possession of the Premises, and Lessor shall not be liable for any injury or damages to any property or to any person on or about the Premises nor for any injury or damage to any property of Lessee. Lessee shall defend, indemnify and hold harmless the Lessor from and against any claims, damages, or expenses (including reasonable attorney's fees), whether due to damage to the premises, claims for injuries to persons or property, or administrative or criminal action by governmental authority, where such claims, damages, or expenses result from the negligence, misconduct or breach of any provision of this Lease Agreement by Lessee, its agents, employees or invitees.

12) If Lessee pays the rent and performs and observes all the other covenants and conditions to be performed and observed by it under this Lease Agreement, Lessee shall during the term of the Lease Agreement have the peaceable and quiet enjoyment of the Premises without interference from Lessor or any person lawfully claiming through Lessor.

13) All notices provided for in this Lease Agreement shall be in writing and shall be deemed to have been given when sent by registered or certified mail addressed to Lessor at:

Currituck County
Attn: County Manager
153 Courthouse Road, Suite 204
Currituck, NC 27929

and to Lessee at:

The Truck Accessory Center
Attn: Frank C. Bernard, President
126 Caratoke Highway
Moyock, North Carolina 27958

14) This Lease Agreement shall be construed and enforced in accordance with the laws of the State of North Carolina.

15) This Lease Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

16) Notwithstanding any other provision in this Lease Agreement, either party may terminate this Lease Agreement upon the terminating party providing written notice of termination to the nonterminating party thirty (30) days prior the termination date.

17) This Lease Agreement contains the complete agreement of the parties regarding the terms and conditions of the lease of the Premises, and there are no oral or written conditions, terms, warranties, understandings or other agreements which have not been incorporated in this Lease Agreement. This Lease Agreement may be modified only by written instrument duly executed by both parties or their respective successors in interest.

18) If any provision of this Lease shall be declared invalid or unenforceable, the remainder of the Lease shall continue in full force and effect.

[THIS PORTION INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

CURRITUCK COUNTY

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

ATTEST:

 Clerk to the Board of Commissioners

(COUNTY SEAL)

THE TRUCK ACCESSORY CENTER, INC.

By: _____
 Frank C. Bernard, President

ATTEST:

 Secretary

(CORPORATE SEAL)

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

OLD BUSINESS

- A. PB 84-11: Corolla Light PUD, Phase 11-Outer Banks Ventures submitted an amended sketch plan/use permit application to allocate 8 residential units to Phase 11, located at 1099 Ocean Trail, Corolla.**

APPLICATION SUMMARY

Property Owner: Richard C. Willis Outer Banks Ventures, LLC PO Box 549 Corolla, NC 27927	Applicant: Richard C. Willis Outer Banks Ventures, LLC PO Box 549 Corolla, NC 27927
Case Number: PB 84-11	Application Type: Amended Sketch Plan/Use Permit
Parcel Identification Number: 115B-000-P2AU-0000	Existing Use: Planned Unit Development (PUD)
2006 Land Use Plan Classification: Full Service	Parcel Size (Acres): 0.92 (Subject Parcel) 267.05 (Overall PUD)
Request: Amend Sketch Plan/Use Permit	Zoning: SFO with PUD Overlay

APPLICATION SUMMARY

Number of Units: 8 units (Subject Parcel – Phase 11) 603 units (Overall PUD)	Project Density: 8.69 units per acre (Subject Parcel – Phase 11) 2.51 units per acre (Overall PUD)
Required Open Space: 93.47 acres (35%) (Overall PUD) .32 acres (35%) (Subject Parcel – Phase 11)	Provided Open Space: 128.51 acres (48.12%) (Overall PUD) .44 acres (48%) (Subject Parcel – Phase 11)

SURROUNDING PARCELS

	Land Use	Zoning
North	Shad Street & Corolla Light Single-Family Residential	SFO with PUD Overlay
South	Beacon Villas – 16 duplexes (Multi-Family Subdivision)	SFO with PUD Overlay
East	Single-Family Dwellings (Whalehead Subdivision)	SFO with PUD Overlay
West	NC12 & Corolla Light Single-Family Residential	SFO with PUD Overlay

Narrative

The subject property (Phase 11) is part of the Corolla Light Planned Unit Development (PUD) and is subject to the Amended Sketch Plan. The property is designated commercial, and the applicant is requesting amended sketch plan/use permit approval for eight dwelling units on the property.

The applicant is proposing a mixed-use development. Two upper-story dwelling units are proposed in the existing building with commercial use on the ground level. Two 3-story multi-family buildings with three dwelling units in each building are proposed.

The site is located at the corner of Ocean Trail and Shad Street. There are multiple utility uses on-site including a water tower, telecommunications tower, several accessory/equipment buildings, propane tanks and generators. Easements for access to the utilities are held by the county, AT&T, Verizon, and Charter.

In the original Corolla Light PUD sketch plan, Phase 11 was approved for utility purposes including a water treatment plant and the property was designated as utility open space.

In 2008, the Board approved an amendment to the sketch plan that included the following:

- Phases 10, 11, 13 and 14 were rezoned from utility open space to General Business.
- Phase 11 was approved for commercial use only.
- 100 residential dwelling units were approved for Phases 10, 13 and 14.

In 2017 the county removed the water treatment equipment from the existing building on Phase 11. There are still elements of the water infrastructure on the property, but the building and has reverted to the owner. The building may be used for commercial purposes subject to the review standards of the UDO.

There is an existing issue with building occupancy. According to the applicant, the existing building is being used for residential occupancy. The property is not currently zoned for residential use and there is no density assigned to the property. This request will allow the applicant to conform to the county's ordinance by properly permitting residential use of the existing building.

A preliminary site plan as well as preliminary architectural renderings were provided to illustrate the proposed uses and project layout. The site plan includes areas designated for open space as well as active recreation open space. Included in the proposal are a swimming pool, playground area, dog park area, seasonal garden area, decorative fountain, and cornhole/game area. The open space proposed meets the requirement for the site; however, the location of some proposed amenities appear to have compatibility issues within the site. For example: the walkway for access to the pool from the proposed multi-family buildings will be between the existing Verizon equipment building and the water tower.

Community Meeting

A community meeting was held on November 23, 2020. The applicant and his engineer were present along with Planning Staff. Employees of Corolla Light Resort as well as neighboring property owners were in attendance. The attendees asked questions regarding the proposal. A community meeting summary is included in the agenda packet as well as a response to the meeting summary that was received from several attendees of the meeting on January 12, 2021.

INFRASTRUCTURE

Water	SOUTHERN OUTER BANKS WATER SYSTEM (SOBWS)
Sewer	CAROLINA WATER SERVICE (PRIVATE)

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends **denial** of the use permit because the request is not consistent with goals and policies of the Land Use Plan and there are compatibility issues within the site and with surrounding land uses including the requested site-specific density.

USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

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

1. Transportation: The existing entrance configuration on Shad Street will be utilized with no direct connection to NC12 other than a pedestrian connection to the existing walkway. A driveway permit and encroachment agreement have been approved by NCDOT. Appropriate access has been made for emergency services vehicles.
2. Potable Water: Water will be supplied by Currituck County via existing water mains located on NC 12 and Shad Street. Fire protection will be provided in accordance with the NC Fire Code and applicable ISO standards.

3. Wastewater: Capacity for the development has been allocated by Carolina Water Service in the existing Monterey Shores Wastewater Treatment Facility which is regulated by NCDEQ and the NC Utilities Commission.
4. Stormwater Management: Stormwater will be collected and infiltrated via the existing basin on Shad Street, which will be able to accommodate the small additional impervious coverage proposed for the site.

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. Adjacent properties are a combination of single family and multi-family development; community compatibility standards will be adhered to in the architectural design and materials that are proposed for the new construction. Landscaping and buffering are also being provided in accordance with the UDO standards and will add to existing vegetative screening that is provided by the significant growth of Live Oaks on the site. The proposed density is lower than that of the adjacent Phase 12 development.

Staff commentary:

Differences between this site and the property to the south, Phase 12, are existing utility uses that impact this parcel and proposed commercial use (restaurant). Phase 12 was developed as 16 duplexes.

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

Please reference the application Attachment "A" in the agenda packet for the applicant findings.

Preliminary Staff Findings:

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

The request does not appear to be in direct conflict with the 2006 Land Use Plan with respect to the proposed mixed-use development and overall density of a PUD nor is it in direct conflict with the Transitional Provisions of the UDO with respect to dimensional and overall density standards for PUDs. However, there are compatibility issues within the site and with surrounding land uses. The site is smaller than an acre and this request proposes commercial, multi-family and utility uses.

The project was not designed or planned from the outset as future mixed-use development. This is evident by the placement of buildings on the property that do not appear to be a compatible mixture of residential, non-residential, and utility uses. The existing utility uses on site make it difficult to design an aesthetic project that is compatible with high density residential use.

The 1982 zoning ordinance that was in effect when the Corolla Light PUD was established stated that a PUD is expected to promote a more efficient use of the land, a higher level of amenities and more creative design than would otherwise be possible. The current ordinance contains similar language regarding planned developments.

It may be reasonable to include residential dwelling units on the Phase 11 property; however, the density proposed appears to overwhelm the site thus making it difficult to design and place a higher level of amenities on the parcel.

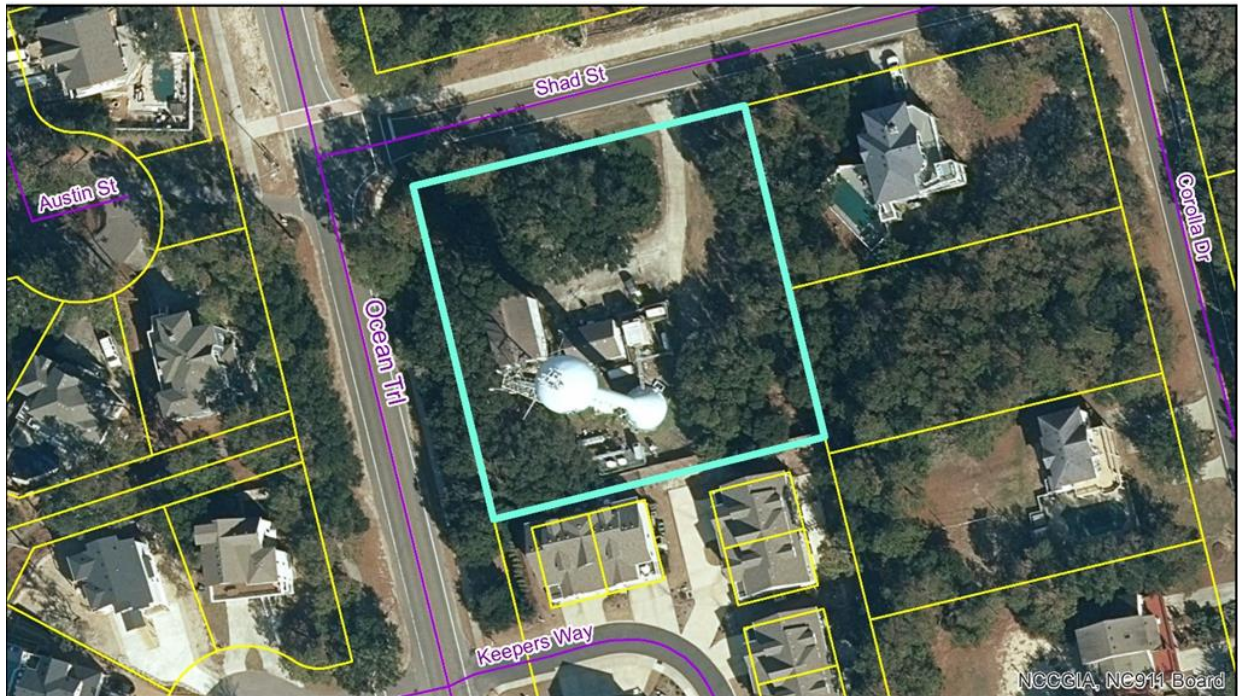
The request is not consistent with the following goals and policies of the Land Use Plan

1. Land Use and Development Goal #10
To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.
2. Land Use Compatibility - CAMA Management Goal
Ensure that development and use of resources or preservation of land minimizes direct and secondary environmental impacts; avoids risks to public health, safety and welfare; and is consistent with the capability of the land based on considerations of interactions of natural and manmade features.
3. POLICY CD8: MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.
4. 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.
5. POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
 2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
6. POLICY HN9: Proposed residential development that would expose residents to the harmful effects of INCOMPATIBLE LAND USES or to ENVIRONMENTAL HAZARDS shall be prohibited. This would include, for example, residential development in locations adversely impacted by proximity to the airport or to activities involving excessive noise, light, odors, dust, fertilizers and insecticides (e.g. certain farm operations, mining activities, etc.).

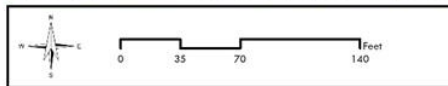
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Staff Findings:

1. The proposed use will not exceed the county's ability to provide adequate public facilities. Utility services are proposed for the site, wastewater and water capacity are available.



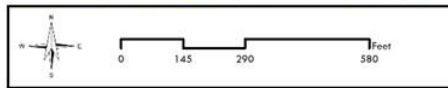
PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
2020 Aerial Photography



Currituck County
Planning and Community
Development



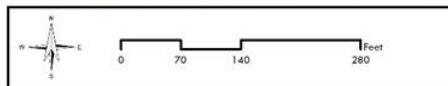
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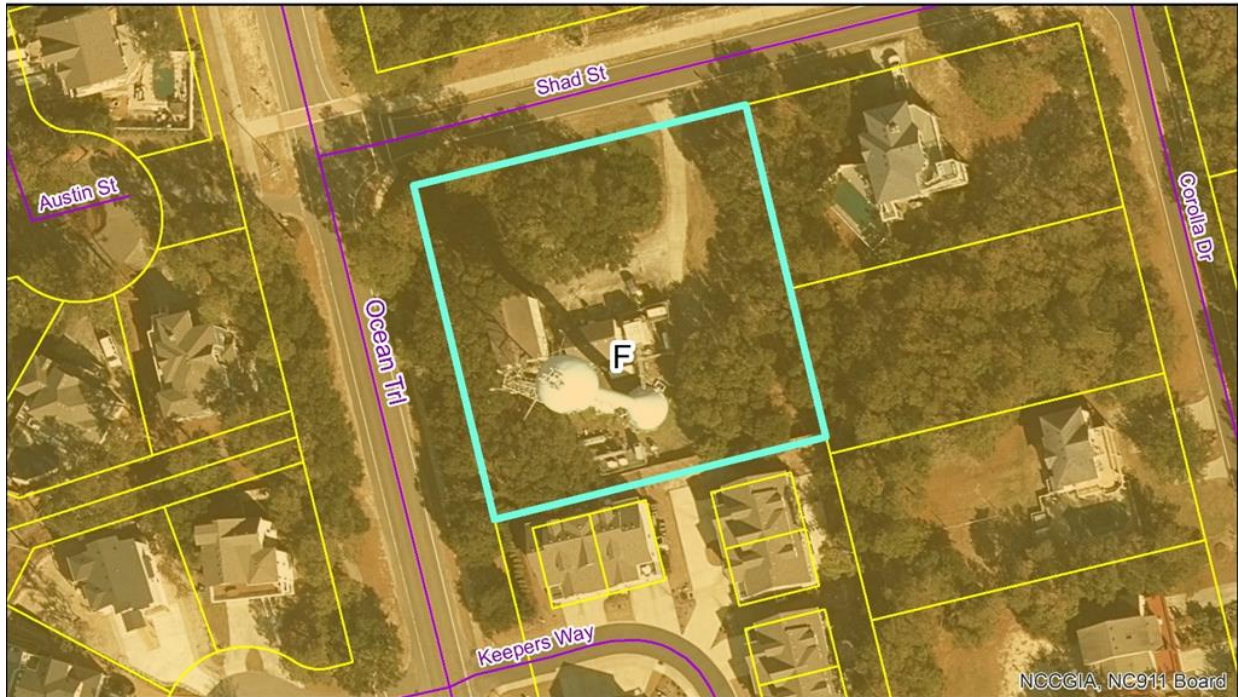
Currituck County
Planning and Community
Development



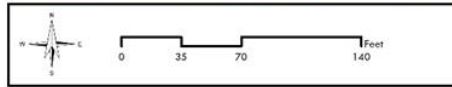
PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
Official Zoning Map



Currituck County
Planning and Community
Development



PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
Land Use Plan Classification



Currituck County
Planning and Community
Development

Chairman Payment introduced the item which had been continued from the January 19, 2021 meeting. The Public Hearing was closed and Commissioner White asked Mark Bissell, Engineer for the Applicant, to provide any comment related to proposed conditions being considered for development of the parcel. He suggested an alternative plan for fencing so that it be installed along the walkway as opposed to around the base of the water tower. Mr. Bissell said the conditions were reasonable. Site plan requirements were discussed.

Commissioner White moved to approve PB 84-11: Corolla Light Amended Sketch Plan and Use permit. The applicant has demonstrated the proposed use meets permit review standards of the Unified Development Ordinance (UDO).

The following conditions of approval shall apply:

- An approved Major Site Plan is required prior to construction of dwelling units.
- The site shall be developed in substantial conformance to the preliminary site plan and architectural renderings presented to the Board of Commissioners and included in the agenda packet at the January 19, 2021 hearing.
- The existing residential occupancy issue shall be resolved within one year of issuance of this permit.
- Non-Residential Design Standards and Community Compatibility Standards apply.
- A minimum 8-foot high fence using materials that are the same as, or of equal quality to, the materials used for the building façade shall be installed around the cellular tower and a handrail shall be installed along the walkway to prevent some manner of resistance to getting access to the water tower.
- Open space activity areas must be completed prior to or in conjunction with final

approval of any residential spaces, to include the pool and cornhole areas called out on the sketch plan.

- All building will be built in the same manner and design as submitted in the sketches provided in the Board packet, all materials to be in harmony and matching the design standards for Corolla Light Architectural review standards to include exterior color choices, with the exception of the garden area, which will be allowed to go in the final phase of construction.

The use will not endanger the public health or safety. The applicant has proven through direct testimony and years of living on the property that people can reside on the property and the use of fencing to ensure the safety of visitors and residents alike is done at any facility of this type. The applicant has further demonstrated the uses on the property to be passive and on an as needed basis for maintenance only. Adequate public facilities are available to this site. The existing entrance on Shad Street will be used with no direct connection to North Carolina Highway 12. Sufficient water and wastewater are available and waterflow will meet applicable ISO standards. Stormwater will be collected and infiltrated via the existing basin on Shad Street.

The use will not injure the value of adjoining or abutting lands and will be in harmony. The applicant has demonstrated through expert testimony the use is in harmony and will not injure values of neighboring properties. The presence of large trees and understory trees and shrubs will be used to provide adequate screening and any heritage trees removed will be replanted as per the UDO requirements. The use of walkways and the addition of adequate parking spaces will alleviate any parking issues and the removal of the unused building and addition of a loading zone will provide adequate access for maintenance concerns and loading/unloading of goods and services. To the north and within the Corolla Light PUD commercial and residential mixed use exist within the Corolla Light Town Center. To the south higher density duplex-style single-family units exist. To the east two residential lots exist, one being developed and the other vacant.

- The use will be in conformity with the Land Use Plan (LUP) and other officially adopted plans. The 2006 LUP classifies the site as full service. The proposed use is consistent with the policies of the plan including Policy OB3.
- Policy HN5 encourages affordable housing needs. The proposed units will help to fill a much-needed housing type in Corolla.
- Policy ES1: New development shall be permitted to locate in areas with suitable soils and where adequate infrastructure is available.
- Policy HN1: Appropriate densities. The proposed site is below the maximum density for the site.

The use will not exceed the county's ability to provide adequate public facilities. Utilities services are proposed for this site. Adequate wastewater and potable water are available.

Commissioner Beaumont seconded the motion. The motion carried on a 6-1 member vote, with Commissioner Mary Etheridge opposed.

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

NEW BUSINESS

A) Board Appointments

Commissioner White read the names of nominees for reappointment to advisory boards and moved for approval of all members. Commissioner McCord seconded the motion. The motion carried, 7-0.

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

1. Consideration of Reappointment to the Area Agency on Aging Regional Advisory Council-Joanne DiBello

Joanne DiBello was approved for reappointment to the Area Agency on Aging Regional Advisory Council.

2. Animal Services & Control Advisory Board

Brenda Parrish, Donna Corbo, and Michael Shannon were reappointed to serve their second, two-year terms on the Animal Services and Control Advisory Board. Terms will expire May 30, 2022.

3. Historic Preservation Commission

Barbara Snowden and Mary Simmons were reappointed to the Historic Preservation Commission to four-year terms expiring January 17, 2025.

B) Consent Agenda

Commissioner Jarvis moved for approval of the Consent Agenda. Commissioner Beaumont seconded the motion. The motion carried, 7-0.

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

1. Budget Amendments

		Debit	Credit
Account Number	Account Description	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
63838-521000	Rent	\$ 11,550	
63340-462000	Tipping Fees		11,550
		\$ 11,550	\$ 11,550

Explanation: Solid Waste (63838) - Increase appropriations for lease payments on the Gibbs Woods convenience site.

Net Budget Effect: Solid Waste Fund (63) - Increased by \$11,550.

		Debit	Credit
Account Number	Account Description	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10512-503500	Temporary Services	\$ 8,000	
10512-502000	Salaries - Regular		8,000
		\$ 8,000	\$ 8,000

Explanation: Animal Services and Control (10512) - Transfer budgeted funds to hire temporary staff to assist the animal services staff during long term FMLA. Temporary staff would work up to 19 hours per week until full-time staff can return to work.

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>		
14460-545000	Contract Services	\$ 125,000	
14390-499900	Appropriated Fund Balance		125,000
		<u>\$ 125,000</u>	<u>\$ 125,000</u>
Explanation:	Carova Beach Road District (14460) - Increase appropriations to award contract to Wild Horse Construction Corporation for repairs to roads within the Carova Beach Road Service District.		
Net Budget Effect:	Carova Beach Road Service District Fund (14) - Increased by \$125,000.		

2. Approval of Memorandum of Understanding Between North Carolina Department of Information Technology State Chief Information Officer and Currituck County to Establish Information Technology Relationship for Technology Improvement and Reduction of Cyber Risks

3. Vehicle Surplus Resolution-Nissan Titan, Inspections

RESOLUTION			
WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.			
County			
Asset	Description	Serial Number	Department
8818	2015 NISSAN TITAN	1N6AA0CJ8FN506206	INSPECTIONS
NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the			
ADOPTED, this 1st day of February, 2021.			
Michael H. Payment, Chairman			
Currituck County Board of Commissioners			
Leeann Walton			
Clerk to the Board		(Seal)	

4. Surplus Resolution-CCRC Maintenance Equipment

RESOLUTION																																
<p>WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina, during its regularly scheduled meeting, authorized the following pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;">County</td> <td style="width: 60%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td style="padding: 5px;">Asset Tag</td> <td style="padding: 5px;">Description</td> <td style="padding: 5px;">Serial Number</td> </tr> <tr> <td style="text-align: center; padding: 5px;">7105</td> <td style="padding: 5px;">Batwing Bush Hog 2515</td> <td style="text-align: center; padding: 5px;">12-00676</td> </tr> <tr> <td style="text-align: center; padding: 5px;">7148</td> <td style="padding: 5px;">4x4 Cub Cadet (Needs starter & trans)</td> <td style="text-align: center; padding: 5px;">1/127640013</td> </tr> <tr> <td style="text-align: center; padding: 5px;">7196</td> <td style="padding: 5px;">Pyranha Spray Master Fly System</td> <td style="text-align: center; padding: 5px;">N/A</td> </tr> <tr> <td style="text-align: center; padding: 5px;">N/A</td> <td style="padding: 5px;">Sweeper Street Sweeper</td> <td style="text-align: center; padding: 5px;">439053</td> </tr> <tr><td style="height: 20px;"></td><td></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td><td></td></tr> </table>			County			Asset Tag	Description	Serial Number	7105	Batwing Bush Hog 2515	12-00676	7148	4x4 Cub Cadet (Needs starter & trans)	1/127640013	7196	Pyranha Spray Master Fly System	N/A	N/A	Sweeper Street Sweeper	439053												
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7148	4x4 Cub Cadet (Needs starter & trans)	1/127640013																														
7196	Pyranha Spray Master Fly System	N/A																														
N/A	Sweeper Street Sweeper	439053																														
<p>NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.</p>																																
<p>ADOPTED, this 1st day of February, 2021.</p>																																
Michael H. Payment																																
County of Currituck, Board of Commissioners																																
Leeann Walton																																
Clerk to the Board		(Seal)																														

5) Approval Of Minutes for Jan. 19, 2021 and Special Meeting, Jan. 27, 2021

1. Minutes for January 19, 2021

2. Minutes for Jan. 27, 2021 Special Meeting

ADJOURN

Motion to Adjourn Meeting

The Board had no further business and Commissioner White moved to adjourn. The motion was seconded by Commissioner McCord. The motion carried and the regular meeting of the Board of Commissioners adjourned at 9:00 PM.

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



STAFF REPORT
PB 20-23 MILLER HOMES AND BUILDING, LLC
REZONING
BOARD OF COMMISSIONERS
FEBRUARY 1, 2021

APPLICATION SUMMARY

Property Owner: Miller Homes and Building, LLC 111 Currituck Commercial Drive, Suite B Moyock, NC 27958	Applicant: Miller Homes and Building, LLC 111 Currituck Commercial Drive, Suite B Moyock, NC 27958
Case Number: PB 20-23	Application Type: Zoning Map Amendment
Parcel Identification Number: 0015-000-047B-0000	Existing Use: Single Family Dwelling and Bakery/specialty eating establishment
Land Use Plan Classification: Full Service	Parcel Size (Acres): 1.06 (survey) 1.05 (application and tax records)
Moyock SAP Classification: Full Service	
Land Use Plan Subarea: Moyock	Zoning History: A-40 (1974); AG (1989); C-GB (2018)
Current Zoning: C-GB	Proposed Zoning: GB
Request: Request for a zoning map amendment to rezone Conditional – General Business (C-GB) property to General Business (GB).	

REQUEST

Narrative

The applicant is requesting a conventional rezoning of approximately 1.05 acres from Conditional – General Business (C-GB) to General Business (GB). The subject property was rezoned as a conditional zoning application in 2018 that included a conceptual plan (site plan) of the property and conditions related to the proposed use and prohibited uses. This request will remove the zoning conditions and the conceptual plan. The 2018 application focused on an outbuilding that was intended to be converted to a bakery/light sandwich shop with the possibility to change the use if the bakery was not successful. The residential use was identified on the plan as a one-story modular dwelling and was not intended to change unless a new application was submitted to change the zoning district (including any conceptual plan/conditions). The applicant is submitting the application to remove the zoning conditions and conceptual plan approved in 2018 and develop the property with uses that are allowed in the GB zoning district.

A use comparison is included at the end of this report.

Community Meeting

A community meeting was held November 9, 2020 at 155 Survey Road, Moyock. There were six people in attendance including the applicant and county representatives. The attendees asked questions regarding the proposed use and what changes will occur on their property.

SURROUNDING PARCELS		
	Land Use	Zoning
North	Cultivated Farmland and Single Family Dwelling	AG
South	Residential Development with Golf Course	AG
East	Cultivated Farmland	GB
West	Planned Unit Development	SFM with PUD Overlay

LAND USE PLAN	
The 2006 Land Use Plan (LUP) classifies this site as Full Service within the Moyock subarea. The Full Service area specifies it is essential to preserve the existing community character with respect to nonresidential uses. The following policy is relevant to the zoning map amendment request:	
Policy CD1	NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.
MOYOCK SMALL AREA PLAN	
The 2014 Moyock Small Area Plan classifies this site as Full Service. Full Service designated areas encourages a high degree of architectural elements and creative site design. Development is intended to be designed and oriented with people in mind (human scale). The following policies are relevant to the request:	
Policy CC2	Encourage non-residential and mixed use development that incorporates building and site design to enhance community appearance, promote human scale, and create a unique sense of place. This may include common themed building materials, forms, and site amenities.
Policy ST2	Support local entrepreneurs that establish community serving businesses that diversify the local economy, are in close proximity to residential areas, and promote community interaction.

UDO

In North Carolina, it is illegal to impose conditions on rezonings to conventional zoning districts; therefore, this conventional zoning map amendment is a legislative decision of the Board of Commissioners and is not controlled by any one factor.

RECOMMENDATION

PLANNING STAFF

Beginning in 2007, conditional zoning has been a tool to help guide development to align with the community values and character recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to more appropriately address the impacts expected to be generated by the development. It provides predictability in the rezoning application to ensure that the development and use will conform to the county's adopted plans (2006 Land Use Plan and 2014 Moyock Small Area Plan) including LUP Policy CD1, CD4, CD5, and MSAP Policy CC2.

A conventional rezoning application is only required to meet the minimum standards of the UDO. The purpose of the General Business (GB) zoning district is to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways. The GB district includes some uses that are

intended or more suited for major highways and not secondary roadways such as Survey Road. Potential use compatibility conflicts with the allowed general uses in the GB zoning district could include such uses as: a parking lot; bar, nightclub, and lounge; convenience store; laundromat; pawn shop; boat and marine rental sales and service; automobile repair and service; car wash; taxicab service; hotel/motel; contractor service; and crabshedding. The conditional zoning process can tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. It can also address impacts that may be associated with the particular property and intended land use. Since the adoption of the 2013 UDO, conventional rezoning approvals included properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts.

The request does not appear to be in direct conflict with the 2006 Land Use Plan or the Moyock Small Area Plan. However, the LUP and the MSAP further describe highway oriented commercial uses that are more intended along major highways and do not encroach within or immediately adjoining existing residential areas (LUP Policy CD4, and CD5). The request does not provide assurances that all of the allowed uses in the GB zoning district would be consistent with the goals, objectives, and policies of the officially adopted plans. The property is located along a secondary road and across the street from a planned unit development with planned neighborhood serving commercial uses with use permit conditions intended for the undeveloped property. The property is also adjacent to existing GB zoning district that has frontage on Caratoke Highway.

In an effort to provide assurances that address the 2006 LUP and MSAP compatibility policies, staff recommends the applicant submit a conditional zoning application with a plan that is more conceptual in nature. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains the community values and consistency with the officially adopted plans.

The request does not appear to provide any direct conflict with the 2006 LUP or MSAP. The board may determine that the location, size of the property, and general district allowable uses are consistent with LUP and MSAP; and compatibility can adequately be addressed through the site plan review process and requirements of the UDO.

PLANNING BOARD RECOMMENDATION

The Planning Board gave the following recommendation of approval on January 12, 2021:

Chairman Ballance moved to recommend approval of PB 20-23 because the request is consistent with Land Use Plan and Policy CD1 and the Moyock Small Area Plan Policies CC2 and ST2.

The request is reasonable and in the public interest because:

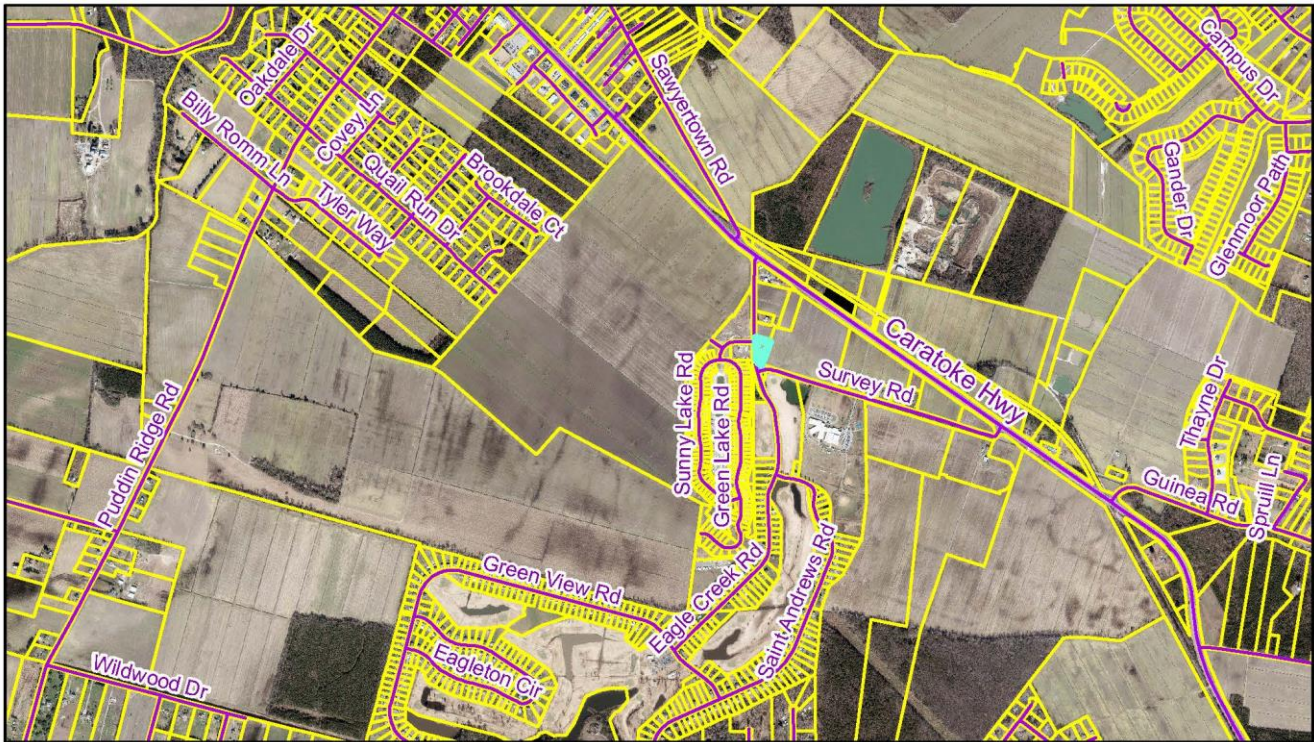
- The property is designated as Full Service in the Land Use Plan and the Moyock Small Area Plan.
- The property is adjacent to General Business zoned property.
- The property is approximately 1.05 acres and limits the size and scale of development.
- The allowable uses in the GB zoning district are consistent with the LUP and Moyock Small Area Plan and compatibility can be adequately addressed through the site plan review process and requirements of the UDO.

Mr. Doll seconded the motion and the motion carried unanimously 4-0.

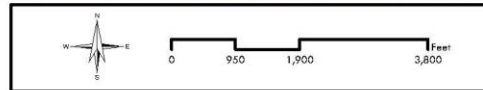
CONSISTENCY AND REASONABLENESS STATEMENT

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

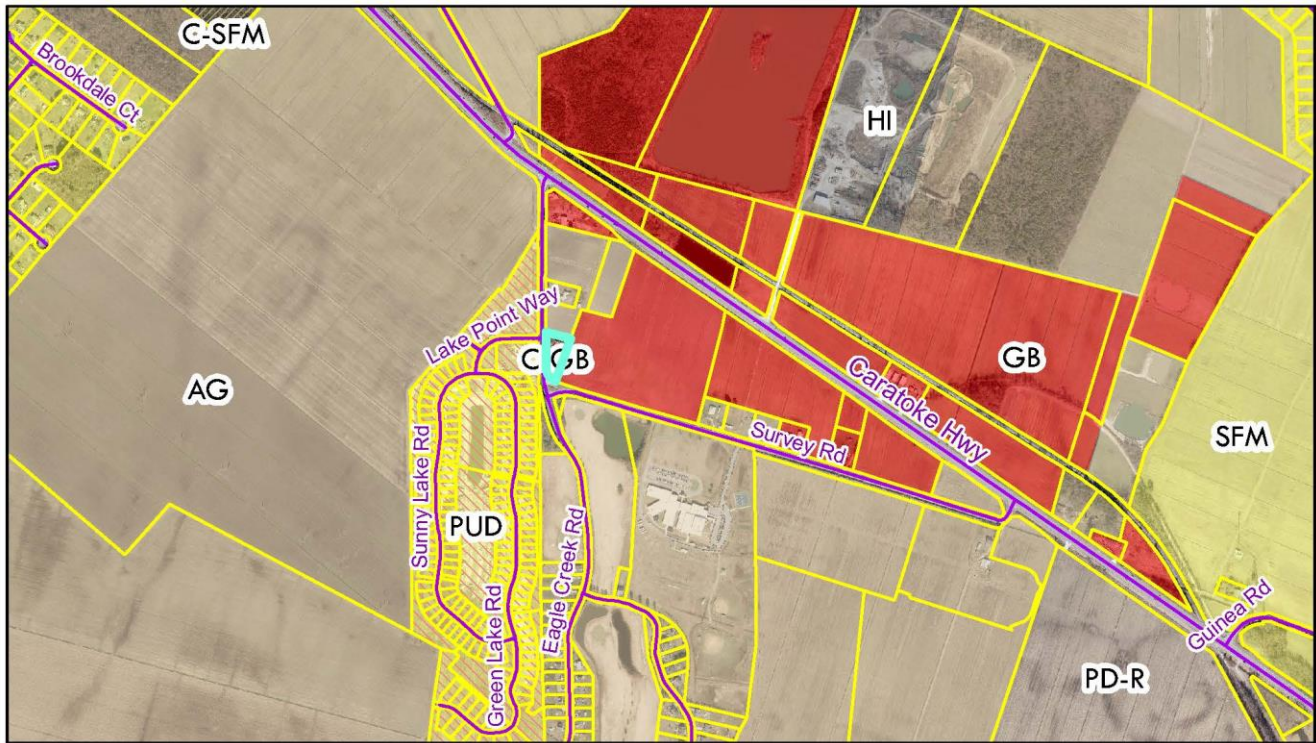
USE COMPARISON	
2018 C-GB Zoning Conditions	Uses Allowed in GB
<p><u>Immediate Use:</u> Bakery and specialty sandwich shop</p> <p><u>Potential Future Uses:</u></p> <ul style="list-style-type: none"> Eating Establishments Offices Recreation/Entertainment (indoor and outdoor) Retail Sales and Services limited to: <ul style="list-style-type: none"> Drug store or pharmacy Financial institution Repair establishment Retail sales establishment <p><u>Prohibited Uses (requires BOC approval):</u></p> <ul style="list-style-type: none"> Nightclubs Bar Automotive Sales Shopping Center Pawn Shop Arena, Stadium Wind Energy Major Utility Helicopter Landing Halfway House Boat Sales 	<p>Agriculture/Horticulture; Agri-education; Agri-entertainment Agribusiness; Equestrian facility; Farmer's and roadside market; Nursery; Agricultural research facility; Distribution hub for agricultural and agronomic products; Silviculture</p> <p>Dwelling (live/work, manufactured, single-family detached, upper story)</p> <p>Dormitory; Family care home; Rooming or boarding house</p> <p>Community Services</p> <p>Day Care</p> <p>Educational Facilities</p> <p>Government Facilities</p> <p>Health Care Facilities</p> <p>Assisted living facility; Auditorium, conference, and convention center; Club or lodge; Halfway house (u); Nursing home; Religious institution</p> <p>Arboretum or botanical garden; Community garden; Park</p> <p>Police, fire, or EMS facility</p> <p>Airport (u); Helicopter landing facility (u)</p> <p>Passenger terminal (surface transportation)</p> <p>Telecommunications antenna and tower (u); Utility, minor/major (u);</p> <p>Animal Care</p> <p>Eating Establishments</p> <p>Offices</p> <p>Parking lot</p> <p>Recreational/Entertainment, Indoor</p> <p>Arena, amphitheater, or stadium(u); Athletic facility; Golf driving range; Marina; Outdoor tour operator (u); Outdoor Recreation</p> <p>Artisan food and beverage producer; Bar, nightclub, or cocktail lounge; Convenience store; Drug store or pharmacy; Entertainment establishment; Financial institution; Funeral home; Grocery store; Laundromat; Pawn shop (u); Personal services establishment; Repair establishment; Retail sales establishment; Shopping center (u); Winery</p> <p>Boat and marine rental, sales, and service</p> <p>Vehicle sales and service, light</p> <p>Visitor Accommodations</p> <p>Contractor service</p> <p>Crabshedding; Research and development</p> <p>Public convenience center/transfer station (u)</p>



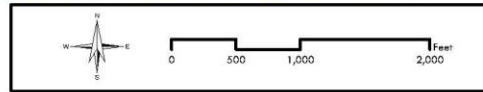
PB 20-23
Miller Homes and Building, LLC
Aerial Context Map



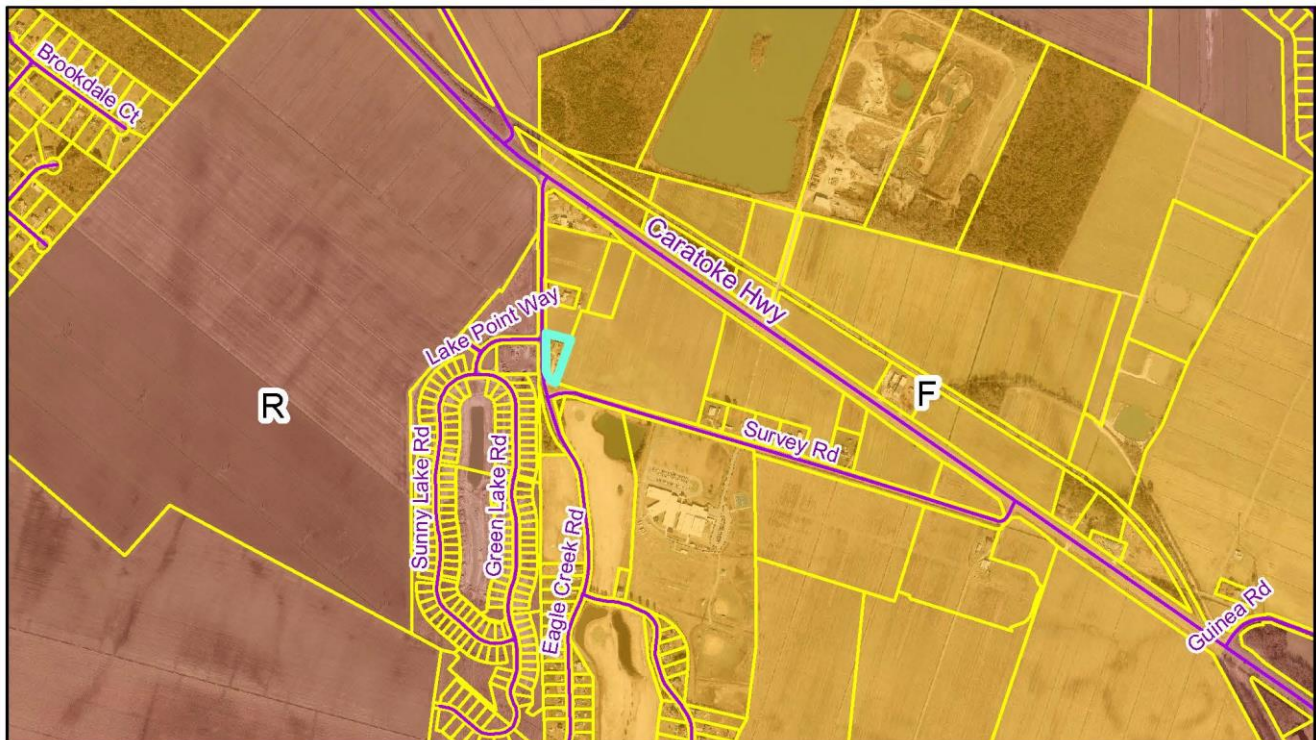
Currituck County
 Planning and Community
 Development



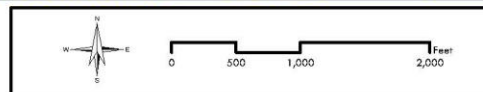
PB 20-23
Miller Homes and Building, LLC
Zoning Map



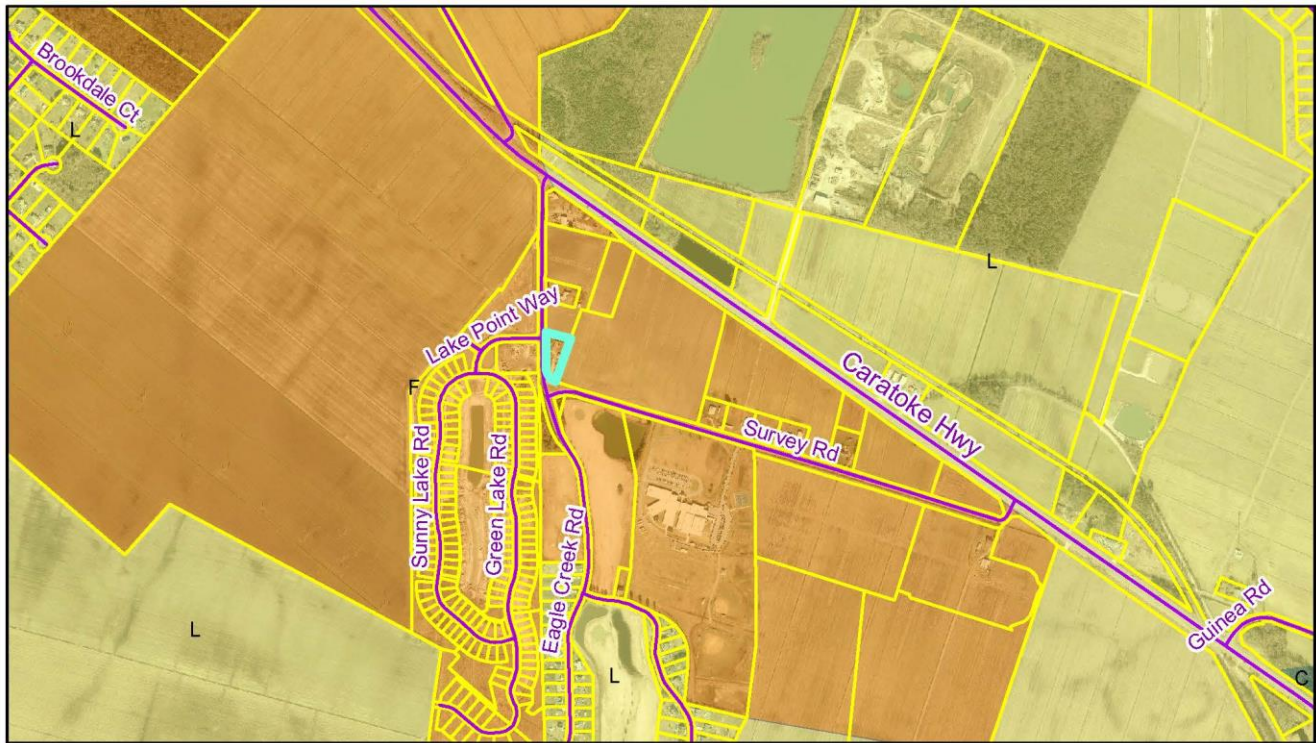
Currituck County
 Planning and Community
 Development



PB 20-23
Miller Homes and Building, LLC
2006 Land Use Classification Map

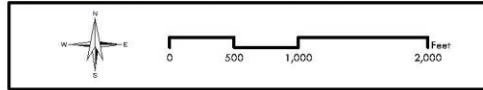


Currituck County
 Planning and Community
 Development



PB 20-23

Miller Homes and Building, LLC
2014 Moyock Small Area Plan



Currituck County
Planning and Community
Development

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



Zoning Map Amendment Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT: SAM MILLER FOR PROPERTY OWNER:
 Name: MILLER HOMES & BUILDING, LLC Name: - SAME -
 Address: 111 CURRITUCK COMM DR. Address: _____
SUITE B MARYCK, NC 27958
 Telephone: 252-435-6402 Telephone: _____
 E-Mail Address: SMILLER@MILLERHOMESANDBUILDING.COM E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: SAME

Property Information

Physical Street Address: 155 SURVEY RD
 Location: CORNER OF SURVEY RD NEAR LAKE VIEW
 Parcel Identification Number(s): 0015000047B0000
 Total Parcel(s) Acreage: 1.05
 Existing Land Use of Property: C-GB

Request

Current Zoning of Property: ~~E~~ C-GB Proposed Zoning District: GB
 Total Acreage for Rezoning: 1.05 Are you rezoning the entire parcel(s): Yes/No
 Metes and Bounds Description Provided: Yes/No

Community Meeting, if Applicable

Date Meeting Held: 11/9/2020 Meeting Location: 155 SURVEY RD

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.

[Signature] BY MILLER HOMES & BUILDING, LLC
 Property Owner(s)/Applicant* MANAGER

11/10/2020
 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 Written Summary

For: 155 Survey Rd Moyock, NC 27958

When: November 9th, 2020 at 4:00 PM

Attendees:

- Donna Voliva – CC Planning Staff
- Savannah Newbern – CC Planning Staff
- Doris Floria – 430 Caratoke Hwy. Moyock, NC 27958
- Frank Floria Jr. – 438 Caratoke Hwy. Moyock, NC 27958
- Majestic Anderson – 118 Sims Rd. Moyock, NC 27958
- Sam Miller – Manager, Miller Homes and Building, LLC

Summary:

Meeting started at 4:02 pm by Sam Miller.

During the meeting Ms. Anderson asked what would be changed or put where the mobile home existed? Answer: Miller Homes and Building, LLC plans to build an office. Beyond that we do not have further plans at this time. We would welcome additional businesses, but at this time do not have any other plans.

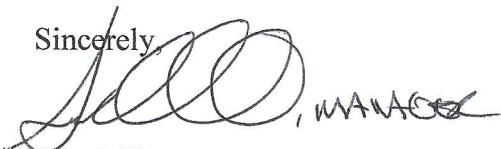
Mrs. Floria asked what the zoning will be? Answer: We are asking for a GB zoning moving from a C-GB that would match the zoning of the 49 acres that this 1.05 acres touches.

Mrs. Floria asked if we plan to change anything on her property? Answer: No, only the 1.05 acres owned by Miller Homes and Building, LLC.

It was explained to everyone the reason for this rezoning was that with the current C-GB zoning we cannot make any more additions or changes to the property or the Bakery without rezoning or receiving an amendment. To allow for flexibility we are asking for the GB zoning.

The meeting concluded at approximately 4:20 pm.

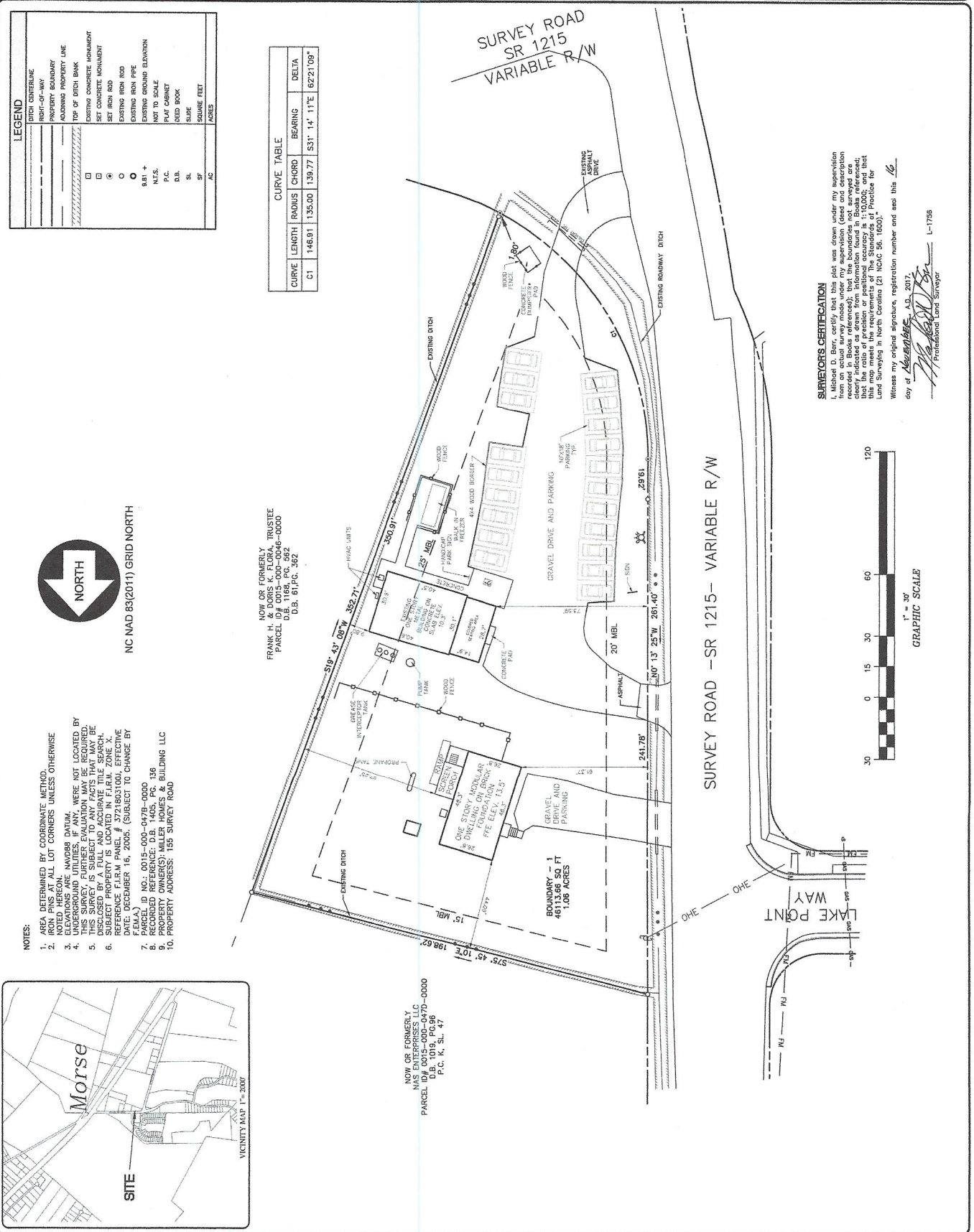
Sincerely,



Sam Miller, Manager

Miller Homes and Building, LLC

REVISIONS NO. DATE DESCRIPTION BY		PROJECT: MILLER HOMES & BUILDING LLC BAKERY CURTIS/CLARK COUNTY NORTH CAROLINA MOYOCK	
DATE: 08-08-17 DRAWN: MSB CHECKED: BPG SHEET: 1 OF 1		CAD FILE: 463600A.SB PROJECT NO: 4636	



LEGEND

—	DITCH CENTERLINE
—	RIGHT-OF-WAY
—	PROPERTY BOUNDARY
—	ADJOINING PROPERTY LINE
—	TOP OF DITCH BANK
—	EXISTING CONCRETE MONUMENT
—	SET MONUMENT
—	EXISTING R/W R/O
—	EXISTING R/W R/O
—	EXISTING GROUND ELEVATION
—	SET TO SCALE
—	P.W. CENTERLINE
—	DEED BOUNDARY
—	SET
—	SOURCE FEET
—	ACRES

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C1	146.91	135.00	138.77	S31° 14' 11"E	62°21'09"

NOTES

1. AREA DETERMINED BY COORDINATE METHOD.
2. ALL PERMANENT LOT CORNERS UNLESS OTHERWISE NOTED HEREON.
3. ELEVATIONS ARE NAVD83 DATUM.
4. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
5. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
6. REFERENCE TO F.I.R.M. PANEL # 3721803100A, EFFECTIVE DATE: DECEMBER 16, 2005. (SUBJECT TO CHANGE BY F.I.R.M.)
7. F.I.R.M. # 0015-000-0470-0000
8. RECORDED REFERENCE: D.B. 1405, PG. 136
9. PROPERTY OWNER(S): MILLER HOMES & BUILDING LLC
10. PROPERTY ADDRESS: 155 SURVEY ROAD

NOW OR FORMERLY TRUSTEE
 FRANK H. L. L. L.
 PARCEL ID# 0015-000-0046-0000
 D.B. 1168, PG. 562
 D.B. 61 PG. 362

NOW OR FORMERLY
 NAS ENTERPRISES LLC
 PARCEL ID# 0015-000-0470-0000
 D.B. 1019, PG. 6
 P.C. N. 31. 47

NOW OR FORMERLY
 NAS ENTERPRISES LLC
 PARCEL ID# 0015-000-0470-0000
 D.B. 1019, PG. 6
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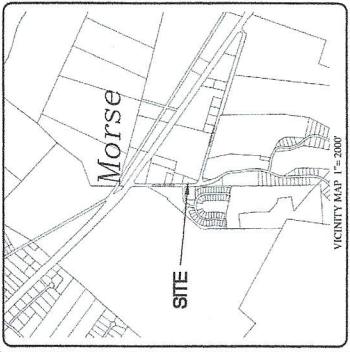
NOW OR FORMERLY
 NAS ENTERPRISES LLC
 PARCEL ID# 0015-000-0470-0000
 D.B. 1019, PG. 6
 P.C. N. 31. 47

SURVEYOR'S CERTIFICATION
 I, the undersigned, being a duly qualified and licensed Surveyor in the State of North Carolina, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in my books and records, and that the same has been compared with the original and found to be correct. Witness my hand and seal this 16th day of November, A.D. 2017.

[Signature]
 Professional Land Surveyor
 L-1758



GRAPHIC SCALE
 1" = 30'





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: Sam Miller, Miller Homes and Building, LLC
From: Planning Staff
Date: December 10, 2020
Subject: PB 20-23 Miller Homes and Building, LLC

The Technical Review Committee met on December 9, 2020 to review the zoning map amendment for 155 Survey Road. The application for the zoning map amendment is a traditional or straight rezoning that is not accompanied by conditions or a conceptual plan. The comments provided are related to the rezoning of property and are valid for six months.

Planning and Community Development (Donna Voliva 252-232-6032)

Reviewed

1. The establishment of the conditional zoning process in 2007 was developed to offer an option to promote orderly growth in the county by providing tools to help guide development to be in line with the community values recognized in the officially adopted plans. Conditional zoning applications are preferred because they can include proposed conditions and concept plans. These conditions and plans address conformance and consistency of a development and use of the site with county adopted plans. The request was determined to have potential LUP conflicts (POLICY CD1, POLICY CD5). Staff understands the issues you have with the current zoning and modifications often require a new application. This can present issues when changes are later planned.
2. The property is zoned C-GB with a single family dwelling and a bakery. The conditional district prohibits night clubs, bar, automotive sales, shopping center, pawn shop, arena, stadium, wind energy, major utility, helicopter landing, halfway house, or boat sales. These types of uses can have compatibility issues and consistency problems with the Land Use Plan. Although you may not be considering any of the uses, without the conditional zoning it is difficult to address the implications.
3. The zoning map amendment request is to allow all uses in the GB zoning district, and it doesn't address compatibility conflicts with certain allowed general uses in the GB zoning district or surrounding land uses.
4. Zoning map amendments are a legislative decision of the Board of Commissioners and when determining to adopt or deny a request the BOC will consider whether the amendment:
 - a. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this ordinance.
 - b. Is in conflict with any provision of the UDO or the County Code of Ordinances;
 - c. Is required by changed conditions;
 - d. Addresses a demonstrated community need;
 - e. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
 - f. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;

- g. Adversely impacts nearby lands;
- h. Would result in a logical and orderly development pattern;
- i. Would result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
- j. Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
- k. Would not result in significantly adverse impacts on the land values in the surrounding area; and,
- l. Would not conflict with the public interest, and is in harmony with the purposes and intent of this ordinance.

Currituck County Building and Fire Inspections (Jason Corbell 252-232-6029)

Reviewed

- 1. No comments at this time for rezoning.

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

Reviewed

- 1. No Comment

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

Reviewed

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

No Comment

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

Approved

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

No Comment

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

Reviewed

NCDOT (David Otts 252-331-4737)

No Comment

- 1. The department has no comment on this rezoning request.

Currituck County Public Utilities (Will Rumsey 252-232-2769)

Reviewed

- 1. What is the type of wastewater (on-site septic or sewer) proposed?

Comments were not received:

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


Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: January 25, 2021

Subject: PB 20-19 Bissell Professional Group

Mark Bissell, Bissell Professional Group, submitted a text amendment to the Unified Development Ordinance (UDO) to establish a process and review standards for non-residential minor subdivisions in the General Business (GB) zoning district. The request would also modify the infrastructure standards and installation requirements for this type of development. The proposed text amendment allows the developer to create up to three lots as a non-residential minor subdivision for commercial uses from the parent parcel that existed on the effective date of this amendment. If approved, the developer could create lots under the provisions of the amendment and delay infrastructure installation to a later time and not completed as part of the subdivision. Instead, the development would be completed more similar to individual site development plans. The delay in infrastructure installation could include water mains and service, sewer, road or access improvements including deceleration lanes, landscaping, buffers, and stormwater.

Background

At its January 2019 retreat, the Board of Commissioners directed staff to address the increasing use of minor subdivisions and the potential safety issue from subdivisions creating lots and installing driveways along existing state roads. In 2019, minor subdivisions were divisions of land into 5 lots or less without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). The adopted language (September 3, 2019) reduced the number of lots created as a minor subdivision (maximum of three lots) and limited driveway cuts along existing NCDOT streets preserving the traffic function of these existing roads. The amendment also required all lots to access an internal subdivision street, unless exempt.

The applicant's request states the 2019 text amendment prohibits the platting of additional lots on existing state roads and has the effect of slowing commercial site development particularly in the Moyock commercial corridor by making it difficult to divide existing larger commercial tracts along Caratoke Highway for the purpose of commercial development.

Request Summary

1. Non-residential minor subdivision of no more than three lots zoned GB with frontage on an existing NCDOT public street.

Attachment: 1- BOC 20-19 BPG - NRS TA (PB 20-19 Bissell Professional Group)

2. Parent parcel date to be changed from April 2, 1989 to the effective date of the amendment.
3. Driveway (shared or individual) construction in easements instead of road construction in a right of way.
4. Individual lot stormwater design (site plan design standards instead of subdivision design standards).
5. Individual water and sewer (public/private/individual) to be provided prior to initiation of the use instead of installed before the subdivision is recorded and/or building permit application for water and sewer.
6. General Development Plan.

Staff Comments Regarding the Proposed Request

Establishing a non-residential minor subdivision process for General Business (GB) zoned property could streamline the subdivision review process for commercial projects. Allowing the parent parcel to be reestablished from April 2, 1989 to the adoption date of the text amendment for non-residential minor subdivisions could also increase flexibility in the process. This would reduce the review time and eliminate the subdivision requirements associated with major subdivisions for properties that were previously divided and no longer qualify for minor subdivisions. Those two changes would reduce the difficulties identified in the application.

During discussions at the December Planning Board meeting the number of lots requested in the application was identified as a conflict with the 2019 approved text amendment. The applicant amended his request and reduced the number of allowable lots that could be divided as a minor subdivision from four to three to be more consistent with the 2019 text amendment.

Since the January Planning Board meeting, the applicant agreed to add the staff requested modifications to the text amendment. Non-residential development can have different water and wastewater demands that are not always known at the subdivision review process, and the installation of the utilities would be deferred to the building permit application authorizing construction of the use. In addition, development fee language was removed from the request since NC General Statutes identifies the timing in which development fees for public water and sewer must be paid.

The maintenance of a shared access can become an issue when additional lots access the common infrastructure without agreements in place that outline the maintenance responsibilities. After the December Planning Board meeting, the applicant modified the language to require an agreement be recorded specifying responsibility for the maintenance of common infrastructure. The agreement will be recorded prior to the issuance of the building permit authorizing construction of the use. In addition, the drive aisle access, utilities, and drainage improvements will be extended to the abutting property (including easements) to reduce the construction impacts to the established lot, and accommodate an efficient access point to the abutting property possibly during construction.

The proposed text amendment, if adopted, requires a general development plan to identify existing water and sewer lines, stormwater infrastructure, approximate plan and location for water and wastewater, conceptual drainage plan, preliminary location for building pads and parking areas, and a preliminary plan for fire protection. The amendment will generate a development that is individually designed and managed instead of a planned subdivision that is designed, installed, and maintained as a comprehensive project.

The subdivision standards of the UDO primarily address right of way or street access instead of the easement. New subdivision streets are used for setbacks, defining lot frontage, site landscaping, sidewalks, and street trees. The applicant is proposing all lots that are part of the non-residential minor subdivision front an existing NCDOT public street. This frontage requirement will establish the NCDOT right of way as the basis for meeting the UDO standards listed above.

Text Amendment Review Standards

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

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation (updated after January Planning Board meeting)

The applicant agreed to include the staff recommended modifications to the request following the January Planning Board meeting. Staff recommends approval of the proposed text amendment.

The proposed text amendment is consistent with the Unified Development Ordinance and the County Code of Ordinances. Although there is no direct correlation to goals, objectives, and policies in the 2006 Land Use Plan, the request would be consistent with:

POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

And, the request will result in a logical and orderly development pattern since new development requires a general plan of development addressing the infrastructure improvements and maintenance responsibilities for the improvements with this proposed text amendment.

Planning Board Recommendation

On January 12, 2021, the Planning Board recommended approval with the following changes:

Bryan Bass moved to recommend approval of PB 20-19 subject to the staff and the applicants suggested modifications:

- Where the proposed language states: “prior to the initiation of the use on the first subdivision lot”, and “prior to initiation of the use on each subdivision lot”, staff recommends the language be replaced with: “at the time of issuance of the building permit authorizing construction to begin on each subdivision lot”.

- Utilities and interconnecting drive aisles providing a cross access to abutting properties shall be extended to the property line. All construction, utility, drainage, and access easements shall be provided to abutting property lines at the time of issuance of the building permit authorizing construction to begin on each subdivision lot.

Because the request is consistent with the 2006 Land Use Plan Policy CD4 by encouraging nonresidential development to cluster along arterial roadways and provide internal vehicular connectivity.

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

- The proposed text amendment will result in a logical and orderly development pattern since new development would be required to submit a general plan of development addressing the installation of infrastructure improvements as well as the maintenance responsibilities of private and common infrastructure.

Mr. Doll seconded the motion and the motion carried unanimously 4-0.



**PB 20-19 BISSELL PROFESSIONAL
GROUP
TEXT AMENDMENT
BOARD OF COMMISSIONERS
FEBRUARY 1, 2021**

PB 20-19 Bissell Professional Group requests an amendment to the Unified Development Ordinance, Chapter 2: Administration and Chapter 6: Subdivision & Infrastructure Standards to simplify the approval process, design standards, and defer infrastructure installation for non-residential development containing three or fewer lots.

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

Item 1: That Chapter 2 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 2.4.8.

D. Minor Subdivision

(1) Procedure

(a) Pre-Application Conference

Not applicable.

(b) Community Meeting

Not Applicable.

(c) Application Submittal and Acceptance

(i) Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the standards in Section 2.4.8.E.5.b, Final Plat Review Standards.

(ii) Applications for a family subdivision shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to family members, and that conveyance of a lot in a family subdivision to a non-family member is a violation of this Ordinance.

(d) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall decide an application for a minor subdivision in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.D.2, Minor Subdivision Review Standards.

(e) Public Hearing Scheduling and Public Notification

Not applicable.

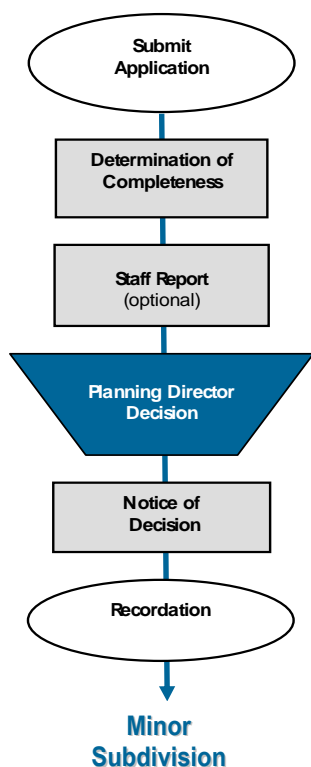
- (f) **Public Hearing Procedures**
Not applicable.
- (g) **Advisory Body Review and Recommendation**
Not applicable.
- (h) **Decision-Making Body Review and Decision**
Not applicable.

(2) **Minor Subdivision Review Standards**

(a) **General Standards**

A minor subdivision shall be approved on a finding that:

- (i) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;
- (ii) It complies with the dimensional standards of Chapter 3;
- (iii) It will result in no more than three lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions}, or as allowed in Section 2.4.8.D.2.C Additional Standards for Non-residential Minor Subdivisions);
- (iv) It does not front an existing NCDOT-maintained public street (except for Family Subdivisions} and Non-residential Minor Subdivisions);
- (v) The parent parcel and new parcel(s) shall front a private access street (except as allowed in Section 2.4.8.D.2.C., Additional Standards for Non-residential Minor Subdivisions). The existing driveway to the parent parcel shall be removed if the driveway is not converted into the private access street to serve the resultant parcels;
- (vi) There is no public right-of-way dedication;
- (vii) It does not create a private access street serving more than two lots unless it is a family subdivision;
- (viii) Any private access street created shall connect to an existing NCDOT-maintained public street and shall comply with Section 6.2.1.B.1 Private Access Street Standards; and,
- (ix) It does not require significant infrastructure improvements. For the purpose of this section



significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.

(b) Additional Standards for Family Subdivisions

Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:

- (i) Lots shall be conveyed solely to family members within two degrees of kinship (e.g., child, grandchild). A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.
- (ii) No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal.
- (iii) Ingress and egress to a lot shall not be from a major arterial street.
- (iv) Private access streets created shall connect to an NCDOT-maintained public street and shall not serve more than five lots.
- (v) Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

(c) Additional Standards for Non-Residential Minor Subdivisions

Non-residential minor subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above. In order to assure orderly development, non-residential minor subdivisions shall also comply with the following:

- (i) Lots shall be created exclusively for commercial use and on properties that are located in a GB zoning district.
- (ii) No more than three lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed on (effective date of amendment).
- (iii) Lots shall front on an existing NCDOT maintained public street. Ingress and egress points shall be designated on the plat and shall comply with Section 6.2.1.D.5.B. Minimum Separations.

- (iv) A general plan of development shall be provided showing the following:
- (A) Locations of existing water and sewer lines and stormwater facilities in the vicinity of the property.
 - (B) Approximate plan and location for water service to each of the proposed lots on the property.
 - (C) Either a site evaluation report from Albemarle Regional Health Services, or an approximate plan and location for sewer service to each of the proposed lots on the property.
 - (D) A conceptual drainage plan for the property.
 - (E) Preliminary locations for building pads and parking areas for each of the lots.
 - (F) A preliminary plan for fire protection.
 - (G) An access management plan, including the locations of proposed internal easements that provide access and circulation between lots and easements for the interconnection of utilities and drainage facilities. Parking lot cross access easements shall be designated at the individual site plan review stage in accordance with Section 5.1.4.
 - (H) An agreement specifying responsibility for the maintenance of private common infrastructure. The maintenance agreement shall be recorded prior to the issuance of the building permit authorizing construction to begin on each subdivision lot.
 - (I) Development that will connect to existing public water and sewer utilities shall be in accordance with Section 6.2.3, and obtain all necessary county, State, and Federal agency permits prior to issuance of the building permit authorizing construction to begin on each subdivision lot.
- (v) Utilities and shared drive aisles providing cross access to abutting properties shall extend to the property line of each subdivision lot as provided on the general plan of development. All required construction, utility, drainage, and access easements shall be provided to abutting property lines prior to issuance of the building permit authorizing construction to begin on each subdivision lot.

- (vi) A note shall appear on the final plat advising the public that each lot is responsible for providing access, water, sewer, and fire protection as necessary to comply with the provisions of this ordinance.

(3) **Effect of Development Approval**

- (a) Approval of a minor subdivision constitutes approval of a final plat for subdivision.
- (b) Lots shall not be sold or conveyed until after a final plat has been recorded.

(4) **Amendment of Development Approval**

Applicable (see Section 2.3.14).

(5) **Expiration of Development Approval**

A minor subdivision plat shall be recorded with the Currituck County Register of Deeds within 90 days of its approval, or it shall be null and void.

Item 2: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 6.1.3.

6.1.3. Subdivision Standards

B. Local, State, or Federal Agency Permits Required

- (1) Except for Non-residential minor subdivisions, Aapplicants proposing a subdivision that will connect to existing public water or sewer systems shall obtain all necessary county, State, and Federal agency permits prior to approval of the subdivision. Requirements for non-residential minor subdivisions are specified in Section 2.4.8.D.2.C.

Item 3: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 6.2.1.

6.2. REQUIRED INFRASTRUCTURE

Unless exempted, all development in the county shall comply with the standards in this section.

6.2.1. Street Standards

C. Street Access

- (5) Streets Serving Non-Residential Minor Subdivisions

Streets serving non-residential minor subdivisions are exempt from the prohibition in C.1. above provided they comply with Section 6.2.1.D.5.B. Minimum Separation. Cross-access easements shall be provided as necessary for access to each non-residential subdivision lot.

Item 4: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 6.2.3.:

6.2.3. Utility Standards

D. Water Supply Standards

(2) Connection to Public Water Supply System

- (a) The developer shall install the water mains and accessories necessary so that all lots and uses to be developed are able to connect to the county water supply system. Non-residential minor subdivisions shall be permitted to extend water service to the lots after the subdivision has been recorded in accordance with Section 2.4.8.D.2.C. If a highway bore is required to bring water service to the subdivision, only one bore shall be permitted per minor subdivision.

E. Sewage Disposal Standards

(1) Sewage System Required

- (a) Every principal use and every buildable lot in a subdivision shall be served by a wastewater system that complies with all Albemarle Regional Health Services and State standards. Non-residential minor subdivision shall be permitted to extend sewer service to the lots after the subdivision has been recorded in accordance Section 2.4.8.D.2.C.

Item 5: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 6.2.4.:

6.2.4. Fire Protection Standards

A. General Provisions

(1) Fire Hydrants Required

All development serviced by the county water supply system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development. Fire hydrants shall be located in a manner that ensures hydrants are spaced a maximum of 1,000 linear feet

apart and every portion of lot frontage is within 500 linear feet of a hydrant. The Fire Code Official may authorize or require a deviation from this standard if, in the opinion of the Fire Code Official, another arrangement satisfactorily complies with the intent or standards in this Ordinance. Non-residential minor subdivisions shall be permitted to install fire hydrants in connection with the development of each building site, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning and Community Development. If a highway bore is required to bring fire service to the subdivision, only one bore shall be permitted per subdivision.

Item 6: Staff suggested Statement of Consistency and Reasonableness:

The proposed text amendment is consistent with the Unified Development Ordinance and the County Code of Ordinances. Although there is no direct correlation to goals, objectives, and policies in the 2006 Land Use Plan, the request (with staff recommended modifications) would be consistent with:

- POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

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

- The proposed text amendment will result in a logical and orderly development pattern since new development would be required to submit a general plan of development addressing the infrastructure improvements and maintenance responsibilities of private and common infrastructure.

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 _____, 2021.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

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

PLANNING BOARD DATE: 1/12/2021
PLANNING BOARD RECOMMENDATION: Approval
VOTE: 4 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 1/20/2021 & 1/27/2021
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Attachment: 1- BOC 20-19 BPG - NRS TA (PB 20-19 Bissell Professional Group)



Text Amendment Application

OFFICIAL USE ONLY:
Case Number: PB 20-19Date Filed: 10/22/20Gate Keeper: C. [Signature]Amount Paid: \$300.00
Contact Information
APPLICANT:

Name: Bissell Professional Group
Address: P.O. Box 1068 - 3512 N. Croatan Hwy.
Kitty Hawk, NC 27949
Telephone: (252) 261-3266
E-Mail Address: mark@bissellprofessionalgroup.com

Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.
 2.4.8, 6.2.1, 6.2.3,

Amend Chapter(s) 2 & 6 Section(s) and 6.2.4 as follows:

Please see attachment

*Request may be attached on separate paper if needed.

[Signature]
 Petitioner

10-21-20
 Date

Proposed Text Amendment for Non-Residential Minor Subdivisions

Statement of Problem: A recent text amendment that prohibits the platting of additional lots on existing state highways has had the effect of slowing commercial site development, particularly in the Moyock commercial corridor, by making it difficult to divide existing larger commercial tracts along Caratoke highway for the purpose of commercial development. While Currituck County has intended to promote new commercial development along the NC 168 corridor, the current ordinance makes it more difficult to subdivide and convey commercial property. For example, dividing a commercial tract into two lots requires that first a roadway be platted and improved. Dividing a tract into 3 or more lots requires that, prior to subdivision approval, a new roadway be paved to NCDOT standards, after the development goes thru the major subdivision approval process, prior to the first lot being conveyed to a commercial developer. This proposed amendment is intended to make it easier for commercial property to be sold or purchased for development.

Proposed Solution: The intent of the proposed text amendment is to simplify both the approval process and the design standards for accomplishing a minor subdivision for non-residential development.

Suggested amendments to the UDO are attached.

Chapter 2: Administration

SECTION 2.4: SPECIFIC REVIEW PROCEDURES

Subsection 2.4.8: Subdivision

- (I) Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the standards in Section 2.4.8.E.5.b, Final Plat Review Standards.
- (II) Applications for a family subdivision shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to family members, and that conveyance of a lot in a family subdivision to a non-family member is a violation of this Ordinance.

(d) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall decide an application for a minor subdivision in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.D.2, Minor Subdivision Review Standards.

(e) Public Hearing Scheduling and Public Notification

Not applicable.

(f) Public Hearing Procedures

Not applicable.

(g) Advisory Body Review and Recommendation

Not applicable.

(h) Decision-Making Body Review and Decision

Not applicable.

(2) Minor Subdivision Review Standards**(a) General Standards**

A minor subdivision shall be approved on a finding that:

- (I) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;



Chapter 2: Administration

SECTION 2.4: SPECIFIC REVIEW PROCEDURES

Subsection 2.4.8: Subdivision

- (ii) It complies with the dimensional standards of Chapter 3;
 - (iii) It will result in no more than three lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions, or as allowed in Section 2.4.8.D.(2)(c) Non-residential Minor Subdivisions);
 - (iv) It does not front an existing NCDOT-maintained public street (except for Family Subdivisions and Non-residential Minor Subdivisions);
 - (v) The parent parcel and new parcel(s) shall front a private access street. The existing driveway to the parent parcel shall be removed if that driveway is not converted into the private access street to service the resultant parcels.
 - (vi) There is no public right-of-way dedication;
 - (vii) It does not create a private access street serving more than two lots unless it is a family subdivision;
 - (viii) Any private access street created shall connect to an existing NCDOT-maintained public street and shall comply with Section 6.2.1.B.1 Private Access Street Standards; and,
 - (ix) It does not require significant infrastructure improvements. For the purpose of this section significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.
- (b) **Additional Standards for Family Subdivisions**
- Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:
- (i) Lots shall be conveyed solely to family members within two degrees of kinship (e.g., child,

Chapter 2: Administration

SECTION 2.4: SPECIFIC REVIEW PROCEDURES

Subsection 2.4.8: Subdivision

grandchild). A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.

- (ii) No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal.
- (iii) Ingress and egress to a lot shall not be from a major arterial street.
- (iv) Private access streets created shall connect to an NCDOT-maintained public street and shall not serve more than five lots.
- (v) Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

(c) Additional Standards for Non-Residential Minor Subdivisions

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Non-residential minor subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above. In order to assure orderly development, non-residential minor subdivisions shall also comply with the following:

- i. Lots shall be created exclusively for commercial use and on properties that are located in a GB zoning district.
- ii. No more than four lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed on _____, 2020 (the date of adoption of this amendment).
- iii. Ingress and egress points shall be designated on the plat and shall comply with Section 6.2.1.D.(5)(b) Minimum Separations.

Chapter 2: Administration

SECTION 2.4: SPECIFIC REVIEW PROCEDURES

Subsection 2.4.8: Subdivision

- iv. A general plan of development shall be provided, showing the following:
- a. Locations of existing water and sewer lines and stormwater facilities in the vicinity of the property;
 - b. Approximate plan and location for water service to each of the proposed lots on the property;
 - c. Either a site evaluation report from Albemarle Regional Health Services, or an approximate plan and location for sewer service to each of the proposed lots on the property;
 - d. A conceptual drainage plan for the property;
 - e. Preliminary locations for the building pads and parking areas for each of the lots;
 - f. A preliminary plan for fire protection.

A note shall appear on the plat advising the public that each lot is responsible for providing access, water, sewer and fire protection as necessary to comply with the provisions of this ordinance.

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(3) Effect of Development Approval

- (a) Approval of a minor subdivision constitutes approval of a final plat for subdivision.
- (b) Lots shall not be sold or conveyed until after a final plat has been recorded.

(4) Amendment of Development Approval

Applicable (see Section 2.3.14).

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.1: SUBDIVISION STANDARDS

Subsection 6.1.4: Homeowners or Property Owners Association Requirements

for all purchasers of land within the subdivision and their successors in title.

- (2) All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

F. Transfer of Maintenance Responsibility

- (1) The subdivider shall be responsible for maintenance of all common areas, common features, and private infrastructure until maintenance responsibility is transferred to the association in accordance with the standards in this subsection.
- (2) The subdivider shall cede maintenance responsibility for common areas, common features, regulatory permits (e.g., stormwater permits), and private infrastructure to the association upon sale of 75 percent of the lots in a subdivision.
- (3) Maintenance responsibility is not transferred from the subdivider to the association until all of the following occur:
 - (a) At least 75 percent of the total number of lots in the subdivision are sold; and
 - (b) The subdivider commissions a report prepared by a registered engineer indicating that all common areas, common features, and infrastructure elements comply with the minimum standards in this Ordinance and the County Code of Ordinances. The report shall also include verification of the reserve fund balance in accordance with the standards in this section; and
 - (c) County staff reviews and approves the report prepared by a registered engineer; and
 - (d) A reserve fund dedicated to the continued maintenance and upkeep of common areas, common features, and private infrastructure is established with a banking institution acceptable to the county in the name of the association that contains a minimum balance that includes the following:

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.1.4: Homeowners or Property Owners Association Requirements

- (i) Ten percent of the road construction costs for streets not maintained by NCDOT at the time of transfer (gravel base and asphalt only);
- (ii) Except for sidewalks and street trees, ten percent of the construction costs of common features and private infrastructure;
- (iii) Liability insurance and taxes for two years; and,
- (iv) Facilities, stormwater, and landscaping maintenance costs for two years.

In the event the association has not collected sufficient assessment funds from the lot owners in the subdivision to meet the minimum balance requirements of the reserve fund, the subdivider shall be responsible for the difference needed to meet the minimum balance requirements.

- (4) Applications to turn over maintenance responsibility to the association for common areas, common features, or private infrastructure prior to conveyance of 75 percent of the lots in the subdivision may be reviewed by the Board of Commissioners. The Board of Commissioners, at the request of the subdivider, shall waive the requirement upon a finding that the association has sufficient financial capacity to assume maintenance responsibility for common areas, common facilities, and private infrastructure.

6. Failure to Maintain is a Violation

Failure to maintain common areas, common features, or infrastructure is a violation of this Ordinance and is subject to the penalties and remedies in Chapter 9: Enforcement.

6.2. REQUIRED INFRASTRUCTURE

Unless exempted, all development in the county shall comply with the standards in this section.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

6.2.1. Street Standards**A. Applicability**

Unless exempted in accordance with Section 6.2.1.B, Exemptions, the street standards shall apply to all streets serving three or more lots.

B. Exemptions**(1) Private Access Streets**

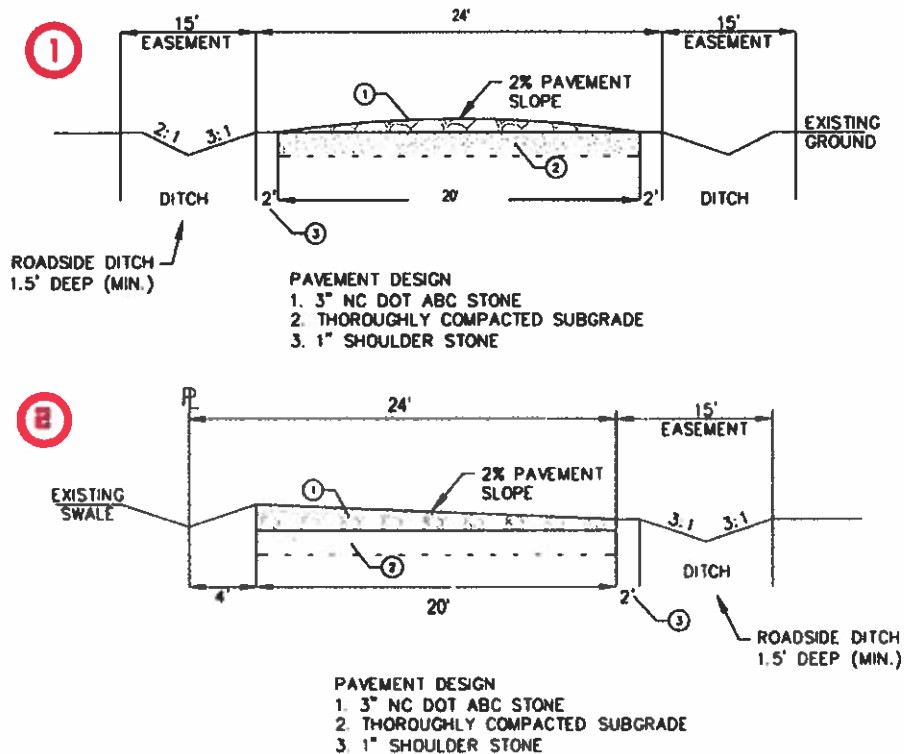
- (a)** A street within a family subdivision or serving a subdivision of two or fewer lots are exempted from the standards in this section, provided they are configured in accordance with Figure 6.2.1.B, Private Access Street Standards, and Section 6.2.1.C.4, Connection with State Streets.
- (b)** One private access street is allowed per parent parcel as it existed on April 2, 1989.
- (c)** All subdivision plats served by private access streets shall bear the following notation:
 "Private access streets do not meet the NCDOT's minimum standards for the assumption of maintenance. Currituck County does not construct or maintain streets. Further subdivision of any lot shown on this plat may be prohibited by the Currituck County UDO unless the private access street is improved consistent with minimum NCDOT standards."

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

Figure 6.2.1.B: Private Access Street Standards

**c. Street Access**

- (1) All lots must access the proposed internal subdivision street(s). Lots along existing NCDOT streets are prohibited unless exempted by this ordinance.
- (2) **Streets Serving Planned Unit and Planned Developments**
Streets within planned unit and planned developments shall comply with NCDOT street construction standards but shall be exempt from NCDOT street design standards in regards to allowable road curvature, right-of-way and pavement widths, and drainage requirements.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

(3) Streets within a Conservation Subdivision

Streets within a conservation subdivision shall comply with NCDOT street construction standards but shall be exempt from NCDOT street design standards in regards to allowable road curvature, right-of-way and pavement widths, and drainage requirements.

(4) Streets in the SFR District

Streets within the SFR district are exempted from the standards in this section, provided they comply with the standards in Section 6.2.1.I, Streets in the SFR District.

(5) Streets Serving Non-Residential Minor Subdivisions

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Streets serving non-residential minor subdivisions are exempt from the prohibition in C.1. above provided they comply with Section 6.2.1.D.(5)(b) Minimum Separation. Cross-access easements shall be provided as necessary to provide access to each non-residential subdivision lot.

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D. Street Design Standards

Streets in development subject to these standards shall comply with the following:

(1) Conformance with Existing Maps or Plans

(a) The street layout shall conform to the arrangement, width, and location indicated on any official adopted plans or maps for Currituck County. In areas where plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, natural features such as streams and tree growth, to public convenience and safety, and to the proposed land use to be served by such streets.

(b) In cases where a proposed subdivision fronts an existing street that does not comply with the minimum standards

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

of this Ordinance, the subdivider shall be responsible for upgrading the portion of the existing street abutting the subdivision, in accordance with the standards of this Ordinance.

(2) Conformance with NCDOT Standards

The current edition of *Subdivision Roads Minimum Construction Standards*, established for the particular type of street in question, by the NCDOT Division of Highways, unless this Ordinance establishes a stricter standard.

(3) Conformance with Community Form Standards

The applicable street standards in Section 5.6, Community Form Standards.

(4) Connection with State Streets

Provide direct access to an improved street that meets NCDOT design and construction standards or one that has been accepted for maintenance by NCDOT, to the maximum extent practicable.

(5) Street Intersections

(a) Design

- (i)** Streets shall intersect as nearly as possible at right angles and not intersect any other street at an angle less than 70 degrees (see Figure 6.2.1.C, Street Intersections).
- (ii)** No more than two streets shall intersect at any one point unless the NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.

(b) Minimum Separation

- (i)** New streets shall maintain minimum separation distances between intersections in accordance with Table 6.2.1.C, Minimum Intersection Separation.

TABLE 6.2.1.C: MINIMUM INTERSECTION

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

TYPE OF STREET	SEPARATION (FT ⁽¹⁾)		
	STREET DESIGN SPEED (MPH)		
	UP TO 35	36-54	55+
Local	125	125	200
Collector	125	200	200
Major Arterial	230	800	1,000

[1] Measurements shall be taken from the centerline of each intersecting street.

- (ii) The Planning Director, upon advice of NCDOT, may authorize a reduction in minimum separation distance due to lot width, presence of existing streets or curb cuts, or other physical features that make compliance with these standards impractical.

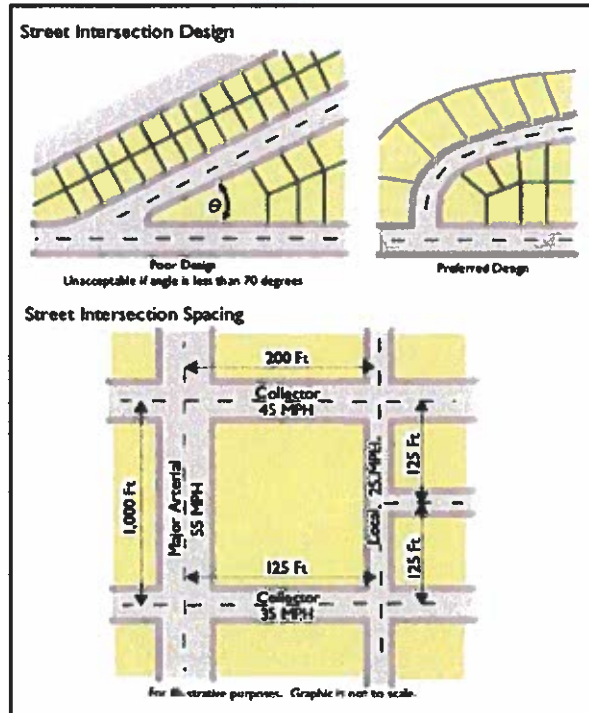
(6) Street Lengths

- (a) Streets shall be longer than 150 feet in length.
- (b) Streets longer than 2,000 feet shall contain an intersection unless the subdivider demonstrates the standards cannot be met because:
- (i) Environmental or topographic constraints;
 - (ii) The site has an irregular shape; or,
 - (iii) The number of railroad grade or major stream crossings can be reduced;

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

Figure 6.2.1.C, Street Intersections**(7) Double Frontage**

Streets shall be arranged to avoid double frontage lots except where no other alternative is reasonably practicable or when it is necessary to avoid direct access of lots onto major arterial streets.

(8) New Street Grades

- (a) New street grades shall conform as closely as practicable to the original topography of the land, subject to all applicable NCDOT requirements.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

- (b) New street grades shall comply with the drainage and stormwater runoff standards in Section 7.3, Stormwater Management.

(9) **Deceleration Lanes**

Developments with new streets shall:

- (a) Install a deceleration lane in accordance with NCDOT standards if the subdivision is for nonresidential development or includes 40 or more residential lots and includes access onto major arterial streets (US 158, NC 168, NC 34, NC 136, NC 615, and NC 12).
- (b) Install left turn and deceleration lanes in accordance with NCDOT standards if the subdivision includes 40 or more residential lots and includes access onto Tulls Creek Road (SR 1222) Poplar Branch Road (SR 1131) and South Mills Road (SR 1227).
- (c) Provide at least one deceleration lane per street front in accordance with NCDOT standards if located along a major arterial and the use is capable of generating more than 60 trips per peak hour, as estimated in the ITE *Trip Generation Manual*.

(10) **Dedication and Maintenance**

Be designated for dedication to NCDOT or for maintenance by an established homeowners or property owners association.

E. **Minimum Street Width**

All streets in a subdivision subject to these standards shall comply with the minimum street width standards in Table 6.2.1.D, Minimum Street Width Standards.

TABLE 6.2.1.D: MINIMUM STREET WIDTH STANDARDS							
Subdivision Type	Minimum Right of Way Width (feet)	Local Street		Collector Street		NCDOT Design Standards Applicable?	NCDOT Construction Standards Applicable?
		Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)	Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)		
Family	24	20	2	N/A	N/A	No	No

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

TABLE 6.2.1.D: MINIMUM STREET WIDTH STANDARDS

Subdivision Type	Minimum Right of Way Width (feet)	Local Street Minimum Pavement Width (feet)	Local Street Minimum Shoulder Width (feet)	Collector Street Minimum Pavement Width (feet)	Collector Street Minimum Shoulder Width (feet)	NCDOT Design Standards Applicable?	NCDOT Construction Standards Applicable?
Subdivision							
Residential Subdivision	See NCDOT <i>Subdivision Roads Minimum Construction Standards Manual</i>					Yes	Yes
Nonresidential Subdivision						Yes	Yes
Conservation Subdivision	30	20 [1]	N/A	N/A	N/A	No	Yes
Planned Unit and Planned Development [2]	30	20 [1]	N/A	N/A	N/A	No	Yes

NOTES:

[1] See Section 6.2.1.G for one-way street pavement width requirements

[2] Streets in Planned Developments shall be installed in accordance with the approved master plan and the requirements of this section.

F. Cul-de-Sacs and Dead End Streets

All cul-de-sacs and dead end streets shall comply with the following standards:

- (1) A cul-de-sac shall not be less than 150 feet in length, as measured from the closest street intersection centerline.
- (2) The entrance into a cul-de-sac shall be flared by sufficient width to ensure proper turning radius for emergency vehicles entering and exiting the cul-de-sac.
- (3) Cul-de-sacs shall not be used to avoid required street connections.
- (4) All permanent dead-end streets shall terminate with one of the following:

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

- (a) A "hammer-head" turnaround with a width of 120 feet;
- (b) A "Y" turnaround with a minimum depth of 60 feet; or
- (c) A cul-de-sac head with a minimum diameter of 96 feet.

G. One Way Streets

- (1) One-way streets shall only be developed in situations where the applicant can demonstrate public safety will not be jeopardized.
- (2) The travel way for a one-way street shall not be less than 14 feet, excluding parallel parking spaces.

H. Alleys

- (1) Alleys shall not be dead-end streets, and shall only intersect with streets.
- (2) Alleys shall not include pavement widths of less than 14 feet or more than 16 feet.
- (3) Alleys with a pavement width exceeding 14 feet shall:
 - (a) Include a curb cut, driveway apron, and sidewalk crossing at the intersection with a street and be configured to appear as a driveway; or
 - (b) Be screened by primary or accessory structures or trees located to minimize views down the alley corridor from adjacent streets.

I. Private Streets

Private streets shall be constructed in accordance with minimum NCDOT design and construction requirements.

J. Streets in the SFR District

- (1) Streets in the SFR district are exempt from NCDOT design and construction standards, but shall be graded, drained, and stabilized in accordance with the provisions of this section.
- (2) If access to the beach requires crossing a dune line, the subdivider shall obtain all required CAMA permits prior to final plat approval and if legally possible, establish a graded beach access.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

- (3) The subdivider shall stabilize and maintain the rights-of-way adjoining and along the street through establishment of vegetation, or other means, to the extent reasonably possible.
- (4) Tracts or parcels which are proposed for subdivision and are within the alignment of Ocean Pearl Road shall:
 - (a) Establish a 100-foot-wide right-of-way that connects to and follows the alignment of the street(s) identified above; and
 - (b) Orient or design all streets to connect with existing or proposed streets shown on previously recorded plats in order to provide a continuous right-of-way to adjoining lots;

No subdivider shall be required to maintain more than one major access street with a 100-foot-wide right-of-way to connect with adjoining lots. Streets that are not necessary for continuous access through the subdivision may be abandoned or deleted.

- (5) When a private street is created in the SFR district, the subdivider shall establish a homeowners association in accordance with Section 6.1.4, Homeowners or Property Owners Association Requirements, to maintain such streets.
- (6) Prior to final plat approval (see Section 2.4.8) the subdivider shall demonstrate that all private streets proposed in the subdivision will be properly maintained by submitting a plan that explains who will maintain the streets, how they will be stabilized and maintained, and how maintenance of the streets will be financed.
- (7) The amount of a performance guarantee (see Section 6.3) for streets shall be determined on a case-by-case basis by the Planning Director, in consideration of all of the surrounding conditions and circumstances.
- (8) A final plat that shows lots served by streets authorized in this section shall not be recorded unless the final plat contains the following notation:

"Further subdivision of any lot shown on this plat as served by a road or street may be prohibited by the Currituck

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

County Unified Development Ordinance unless the roads or streets shown on this plat are improved to state standards. These roads do not meet state standards for the assumption of maintenance due to inadequate right-of-way and/or construction or lack of public dedication. It is not the function of county government in the State of North Carolina to construct or maintain roads. There may be areas of standing water on the street(s) after ocean overwash or periods of heavy rains that may impede access to the individual homesites. It is the sole responsibility of the owners to provide an improved access to their properties."

- (9) A subdivider shall furnish any initial purchaser of a lot in the SFR district a disclosure statement outlining the maintenance responsibilities for the street(s) as provided in Section 136-102.6(f) of the North Carolina General Statutes. The disclosure statement shall fully and completely disclose the status (whether public or private) of the street(s) upon which the house or lot fronts. If the street is designated by the subdivider as a private street, the subdivider shall include in the disclosure statement an explanation of the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility for construction and maintenance of such street(s) shall rest, and shall further disclose that the street(s) will not be constructed to minimum standards, sufficient to allow their inclusion on the State highway system for maintenance.
- (10) In order to minimize the flooding of streets and to assure proper drainage within the SFR district, all major and minor subdivision plats, shall have a drainage plan approved by the county prior to final plat approval.
- (11) All proposed street rights-of-way used to cross the primary frontal sand dunes within the SFR district shall be at least 30-feet-wide.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

K. Other Street Standards

(1) Curb and Gutter

- (a) Curb and gutter is not required, but if installed, shall be in accordance with NCDOT standards.
- (b) As provided in Section 136-44.14 of the North Carolina General Statutes, whenever curb and gutter construction is provided on public streets, wheelchair ramps and depressed curbs for the disabled shall be provided in accordance with NCDOT standards.

(2) Vehicular Gates

- (a) For the purposes of preserving access to public and private lands by citizens, utility companies, and emergency service providers, vehicular gates, barriers, or other devices intended to obstruct vehicular traffic along a public street right-of-way are prohibited.
- (b) Vehicular gates are allowed on private streets platted after January 1, 2013, provided the gate is equipped with county-approved devices that allow emergency services to gain access to the street and it meets all requirements set forth in the currently adopted version of the North Carolina Fire Code.

(3) Traffic Control Devices

- (a) If NCDOT determines traffic control signs and signals are necessary, they shall be erected and maintained by the subdivider at each street intersection within the subdivision.
- (b) Traffic control signs shall also be installed where subdivision streets intersect with an improved or state maintained street.
- (c) Traffic control signs shall comply with county and NCDOT standards related to size, shape, color, location, and information contained thereon.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

- (d) At least two or more traffic control signs shall be placed at each four-way street intersection and at least one traffic control sign shall be placed at each "T" intersection.
- (e) Traffic control signs shall be installed free of visual obstruction.
- (4) **Bridges**
Bridges shall be constructed in accordance with the standards and specifications of the NCDOT, except that bridges on roads not intended for public dedication may be approved by the county even if they do not comply with NCDOT standards, if designed by a North Carolina licensed architect or engineer and certified to be safe for travel.
- (5) **Street Names**
 - (a) Street names shall be assigned by the subdivider subject to the approval of the Planning Director. Proposed streets that are in alignment with existing streets shall bear the same street name.
 - (b) Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the county, regardless of the use of different suffixes.
 - (c) Street names shall include one of the following suffixes:
 - (i) Street or road – public streets not designated by another suffix;
 - (ii) Circle – a short street that returns to itself;
 - (iii) Court or place – a cul-de-sac or dead-end street;
 - (iv) Loop – a street that begins at the intersection with one street and circles back to end at another intersection with the same street; or
 - (v) Other common suffix used by NCDOT (e.g., way, close, boulevard, avenue, drive, lane, parkway, etc.).
 - (d) Appropriate street name signs that comply with NCDOT and county specifications shall be placed at all

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

intersections by and at the expense of the developer or subdivider.

- (e) Building numbers shall be assigned by the county, where appropriate.

L. Street Trees

Street trees shall be required to serve all development in the county in accordance with the following standards:

(1) Where Required

Except along alleys, street trees shall be required along both sides of all streets constructed after January 1, 2013.

(2) Location

Street trees shall be located within 50 feet of the centerline of the street they serve, and may be located within front and corner side setbacks when there is insufficient space within the right-of-way.

(3) Timing

Installation of required street trees on individual building lots may be delayed until after issuance of the building permit. In no instance shall a development subject to these standards be occupied before street trees are installed or a performance guarantee (see Section 6.3) for street trees has been posted with the county.

(4) Configuration

- (a) Street trees shall be canopy trees except beneath overhead utilities or other projections into the public right-of-way, where understory trees shall be used instead.

- (b) All trees planted along a NCDOT right-of-way shall conform to NCDOT guidelines.

(5) Maximum On-Center Spacing

- (a) Understory trees shall be spaced between 20 and 30 feet on center.

- (b) Canopy trees shall be spaced 50 feet on center.

- (c) Spacing may be reduced to avoid driveways or sight distance triangles.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.2: Reserved

- (d) Alternative spacing or placement (e.g., as major arterial screening, within open space set-asides, or as a development entry feature) may be considered through the Alternative Landscape Plan procedure in Section 5.2.9.

6.2.2. Reserved

6.2.3. Utility Standards

All utilities shall be installed in accordance with the following standards:

A. General Standards

- (1) All utilities (including, but not limited to: electric power, telephone, gas distribution, cable television, potable water, sewer, etc.) located outside an existing street right-of-way and intended to serve new development shall be underground.
- (2) The requirement for underground electricity, telephone, or cable television utilities shall not be applied to lateral service lines intended to serve an individual single-family dwelling that must extend over 200 feet from an overhead source.
- (3) Unless attached to a bridge, no utilities may be installed over the waters of the Currituck Sound or over areas of environmental concern, and no utility poles shall be erected within the waters of Currituck Sound or areas of environmental concern.
- (4) All utility providers installing service lines for their respective utilities in the public right-of-way are required to separate utility lines in trenches specific to that utility.
- (5) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

B. Utility Easements

- (1) Each subdivision shall provide utility easements in accordance with the following standards:

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.3: Utility Standards

- (a) Ten-foot-wide easements shall be provided along all rear and side lot lines.
 - (b) Fifteen-foot-wide easements shall be provided along all front lot lines.
 - (c) Alternative easement locations may be considered by the Planning Director as part of a planned development, conservation subdivision, or zero lot line development.
- (2) Whenever a subdivision includes water, sewer, electrical power, telephone, or cable television utilities intended for operation by a public utility or entity other than the subdivider, the subdivider shall transfer all necessary ownership or easement rights to enable the public utility or other entity to operate and maintain the utilities.

C. As-built Drawings Required

- (1) Whenever a subdivider installs or causes to be installed any utility line in any public right-of-way, the subdivider shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the county with a copy of a drawing that shows the exact location of such utility lines (prior to approval of a final plat).
- (2) As-built drawings shall be verified as accurate by the utility service provider's professional engineer. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing the development.
- (3) As-built drawings are required for all water and /or sewer treatment plants as well as after any changes made to such systems in the future.

D. Water Supply Standards

(1) Water Supply System Required

- (a) Every principal use and every buildable lot in a subdivision shall be serviced by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.3: Utility Standards

- (b) All buildable lots within a planned unit development, planned development, or multi-family development shall be connected and serviced by the county water supply system.
- (c) Except for family subdivisions, lots in the Fruitville and Moyock-Gibbs Woods Townships, and lots located in the Agriculture (AG) zoning district, all new subdivisions and nonresidential development shall be connected and serviced by the county water supply
- (d) All new subdivisions located in the AG zoning district shall be connected and serviced by the county water system if the distance between the closest existing county water main and the proposed development is within the following formula distance: 100 feet for each of the first ten units plus 20 feet for each additional unit. In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.

Example: a proposed subdivision with 30 single-family dwelling units located 1,400 feet or less from an existing water main shall connect (10 units x 100) + (20 units x 20).

Where the distance to the closest existing county water main exceeds the formula above, the developer shall meet the minimum dimensional standards in Chapter 3 for lots not served by the county water supply system located in the AG zoning district.

- (e) Water lines owned by the Ocean Sands Water and Sewer District shall be considered part of the county's water supply system for the purposes of this section.
- (2) **Connection to Public Water Supply System**
- (a) The developer shall install the water mains and accessories necessary so that all lots and uses to be developed are

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.3: Utility Standards

able to connect to the county water supply system. Non-residential minor subdivisions shall be permitted to extend water service to the lots after the subdivision has been recorded but prior to the initiation of the use on each lot, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning & Community Development.

- (b) The minimum water main size shall be adequate to service the potable water and fire suppression demand of the proposed development at full build out. Fire suppression demand shall be based upon guidance from the Insurance Services Office and existing fire-fighting capacity. In no instance shall a water main serving a fire hydrant be less than eight inches in diameter.
- (c) Water mains shall be installed within street right-of-ways or dedicated utility easements.
- (d) The developer shall be responsible for modeling and sizing water mains to service the proposed development. Modeling inputs shall include the proposed development at full build-out and the anticipated development density of adjacent undeveloped tracts of land as specified in county-adopted plans.
- (e) If the county determines that oversized facilities are in the interest of future development, the county or a developer may elect to pay for that portion of water main improvement that exceeds the diameter required to service the proposed development at full build-out.
- (f) Installation of water mains and accessories shall meet the most recent version of the Standard Specifications and Details for the Currituck County Water Department and the Southern Outer Banks Water System, as appropriate.
- (g) The developer shall be required to submit detail drawings with the construction drawings associated with a proposed development, prepared and certified by a registered engineer, showing the installation of the required water mains.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.3: Utility Standards

- (h) The developer may apply for a Water Main Reimbursement Contract for partial repayment of the cost of the extension of a water main necessary to service a proposed development. The general provisions for partial repayment are specified in the Water Main Reimbursement Contract and an attested and executed copy of the agreement between the developer and county must be filed with the Currituck County Public Utilities Department.

(3) Connection Fees

- (a) All connection fees shall be paid for each lot or use that is required to be connected to the county water supply system at the time of issuance of the building permit authorizing construction to begin.

E. Sewage Disposal Standards

(1) Sewage System Required

- (a) Every principal use and every buildable lot in a subdivision shall be served by a wastewater system that complies with all Albemarle Regional Health Services and State standards. Non-residential minor subdivisions shall be permitted to extend sewer service to the lots after the subdivision has been recorded but prior to the initiation of the use on each lot, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning & Community Development.
- (b) All principal uses and buildable lots within a multi-family development, planned unit development, or planned development shall be connected and serviced by a centralized wastewater system. The County Engineer may approve a decentralized wastewater system upon finding that the proposed development:
 - (i) Is not located within the service area of an existing centralized wastewater system;
 - (ii) Is subject to a wastewater operation and maintenance plan prepared by a registered engineer



Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: January 25, 2021

Subject: PB 20-25 Currituck County Text Amendment
 Stormwater BMP

At its 2020 retreat, the Board of Commissioners discussed ways to address the stormwater and drainage issues the county is experiencing. These stormwater and drainage problems are especially impactful with the rate of growth of residential development. From the retreat discussion, staff received direction to model the impacts of “doubling” the stormwater regulations on a major subdivision project. A major subdivision is defined as a subdivision creating more than three lots. The current standards of the Unified Development Ordinance require new major subdivisions be designed to handle a ten-year, twenty-four-hour storm event, which is nearly equivalent to a six-inch rain event over twenty-four hours. The Timmons Group was tasked with modeling the increased pond storage size for two existing subdivisions, Froggy Meadows and Countryside Estates. They compared stormwater pond size for storing a six-inch rain versus a twelve-inch rain over a twenty-four-hour period. Staff from the Timmons Group presented their results at a Board meeting in June 2020.

Doubling of the regulations led to the following conclusions:

1. The pond area was increased by 2.5 times.
2. Resulted in a 15% loss in lot yield.

This Text Amendment will revise Chapter 7 Section 3.4.B.2 to require new major subdivision stormwater infrastructure be designed for a twelve-inch rain event over a twenty-four-hour period.

This amendment will require some changes to Chapter 2 of the County Stormwater Manual. Specifically, sections 2.1, 2.4.3, 2.4.4 and 2.4.5 will need to be revised. Planning staff and Stormwater are working on manual to coincide with potential enactment of this new regulation.

Text Amendment Review Standards

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

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

2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation

Staff recommends approval of the request as submitted and suggests the following Statement of Consistency and Reasonableness:

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

Vision Statement: We will strive to maintain and enhance the quality of life within our communities for present and future generations by providing: [...]

- sound transportation planning and water, waste, and stormwater services for a growing population

Section 1: Community Concerns and Aspirations. “Although County development regulations are considered to be extremely strong, stormwater management concerns have been escalating as impervious surfaces and associated run-off have increased. For the Mainland, these concerns focus mostly on the abandonment and filling in of relic as well as functioning farm ditches to accommodate new development. Moreover, highly engineered stormwater management plans are being proposed to meet county requirements while existing, yet less sophisticated, systems are not being well maintained.”

Goal 7.9: To ensure development is sensitive to the physical constraints of the land. (E)

5. Develop procedures for County review of drainage and storm water control plans and establish a system to verify plans have been implemented in the field; RESPONSIBLE AGENCY: Currituck County Planning Department, County Engineer, and Soil Conservation Service

Planning Board Recommendation

The Planning Board made the following recommendation for denial on January 12, 2021:

Mr. Bass moved to recommend denial of PB 20-25 because the request is not consistent with the Land Use Plan given the expert testimony that we heard tonight we do not feel that it will solve the problem that has been addressed.

And the request is not reasonable and in the public interest because according to the expert testimony we have heard tonight it will not solve the issue.

Chairman Ballance seconded the motion and the motion carried with a unanimous recommendation of denial 4-0.



**STAFF REPORT
PB20-25 CURRITUCK COUNTY
STORMWATER BMP TEXT AMENDMENT
BOARD OF COMMISSIONERS
FEBRUARY 1, 2021**

Amendment to the Unified Development Ordinance Chapter 7: Environmental Protection.

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 7: Environmental Protection be amended by adding the following underlined language and deleting the struck-through language:

7.3 STORMWATER MANAGEMENT

7.3.4. Stormwater Management Standards

B. Stormwater Detention Requirements

- (2) Major Subdivisions subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from a 12 inch the 24-hour storm event ~~with a 10-year recurrence interval~~ down to the pre- development discharge rate from the 24-hour storm event with a 2-year recurrence level based on pre-development conditions from a wooded site.

Item 2: Statement of Consistency and Reasonableness:

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

- It will maintain consistency with the Currituck County Land Use Plan's Vision Statement.
- It provides enhancements to our Stormwater services.
- It recognizes the Currituck County Planning and Engineering Departments, with the Soil Conservation services as the responsible agency to implement and require Stormwater plans.

The request is reasonable and in the public interest because:

- It continues the County's position in the Land Use Plan for addressing stormwater
- For new major subdivisions, it will help minimize stormwater damage to private and public property.

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

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2021.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

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

PLANNING BOARD DATE: 1/12/2021
PLANNING BOARD RECOMMENDATION: Denial
VOTE: 4 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 1/20/2021 & 1/27/2021
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Text Amendment Application

OFFICIAL USE ONLY:
Case Number: PB 20-25Date Filed: 11/25/20Gate Keeper: C. StikeleatherAmount Paid: \$
Contact Information
APPLICANT:
Name: Currituck CountyAddress: 153 Courthouse RoadTelephone: 252-232-2075E-Mail Address: ben.stikeleather@currituckcountync.gov
Request

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

Amend Chapter(s) 7 Section(s) 3.4.B.2 as follows:

To address the drainage concerns in new residential development, this text amendment proposes to require Stormwater BMP's for Major Subdivisions be designed for a 12 inch 24-hour rain event.

*Request may be attached on separate paper if needed.

Ben Stikeleather
Petitioner

11/25/20
Date

Stormwater BMP Design Criteria Text Amendment

Amend Chapter 7, Section 7.3.4.B(2) as follows:

“Major subdivisions subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from a 12 inch - the 24-hour storm event ~~with a 10-year recurrence interval~~ down to the pre-development discharge rate from a 3.5 inch - 24-hour storm event ~~with a 2-year recurrence interval~~ based on pre-development conditions from a wooded site.”

NORTH CAROLINA

LEASE AGREEMENT

CURRITUCK COUNTY

THIS LEASE AGREEMENT, made and entered into by and between, CURRITUCK COUNTY, a body corporate and politic existing under the laws of the State of North Carolina, (the "Lessor"), and THE TRUCK ACCESSORY CENTER, INC., a North Carolina corporation, (the "Lessee").

WITNESSETH:

That subject to the terms and conditions set out in this Lease Agreement, Lessor lets and leases to the Lessee, and the Lessee accepts as tenant of Lessor, space for storing recreational vehicles as inventory for Lessee's business which space is a portion of a 4.32 acres tract or parcel of land owned by Lessor which is shown on a plat or map recorded in Plat Book K, Page 106, Currituck County Registry, and located at 106 Caratoke Highway, Moyock Township, Currituck County, North Carolina and more particularly described as follows, (the "Premises"):

Beginning at an existing iron rebar situated in the southwest corner of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry, the northeast corner of Lot 55, Phase 2. North Point Subdivision more particularly shown at Plat Cabinet D, Slide 76 of the Currituck County Registry and northwest corner of Frank C. Bernard, Jr. and wife, Phyllis A. Bernard property more particularly described at Deed Book 283, Page 179 of the Currituck County Registry; thence from the point of beginning along the western boundary line of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry North 32 degrees 59 minutes 55 seconds West 167.00 feet to a point, cornering; thence North 57 degrees 00 minutes 05 seconds East 274.85 feet to a set rebar in the southeastern boundary line of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry, cornering; thence South 32 degrees 59 minutes 55 seconds East 167.00 feet to a set rebar; thence South 57 degrees 00 minutes 05 seconds West 274.85 feet to the point and place of beginning.

The terms and conditions of this Lease are as follows:

- 1) The term of this Lease shall be for an initial period of two years beginning on January 1, 2021 and ending on December 31, 2022. Thereafter, the term of the Lease Agreement shall be automatically extended for seven (7) additional two (2) year terms unless Lessee provides written notice to Lessor that Lessee does not intend to renew this Lease Agreement at least thirty (30) days prior to the expiration of the then current term.
- 2) As rental for the Premises, Lessee shall pay to Lessor, at the address noted below, and without notice or demand therefore, the sum of EIGHTEEN THOUSAND AND NO/ONE HUNDRED DOLLARS (\$18,000.00) annually, payable on or before December 31 of each year.
- 3) Lessee shall use and occupy the Premises for the purpose of storing recreational vehicles as inventory for Lessee's business and in connection with Lessee's business, shall comply with all laws, ordinances, orders or regulations of any lawful authority having jurisdiction over the Premises and the use of the Premises.
- 4) It is understood and agreed that Lessee shall be responsible for any improvement to the Premises and for the upkeep, repair, and maintenance of the Premises and any improvements during the term of this Lease Agreement or any extension of this Lease Agreement. Notwithstanding the foregoing, the Lessor shall be responsible for the upkeep, repair and maintenance of the pond area located on the Premises. At the expiration of the term of this Lease, or the prior termination of said Lease as provided in this Lease Agreement, Lessee shall be responsible for removing any improvements from the Premises and restoring the Premises to substantially the same condition as existed on the date of this Lease Agreement, normal wear and tear excepted.
- 5) During the term of this Lease. Lessee shall maintain comprehensive general liability insurance on an occurrence basis with maximum limits of liability in the amount of Three Hundred Thousand Dollars (\$300,000.00) for property damage, bodily injury, personal injury or death to anyone person. Lessee shall also maintain excess liability coverage with a per occurrence limit of One Million Dollars (\$1,000,000.00) and Lessee shall keep its property on the Premises insured against loss or damage by fire or other casualties.
- 6) Lessee shall neither use nor occupy the Premises or any part of the Premises for any unlawful or ultrahazardous business purpose nor operate or conduct its business in a manner constituting a nuisance of any kind.

7) Lessee shall pay prior to delinquency all taxes and assessments of every kind and nature which may be imposed or assessed upon or with respect to the structure and equipment placed on the premises by Lessee.

8) If the premises are wholly or partially destroyed by fire or other casualty, the rent amount shall abate in proportion to the loss of use of the Premises, and Lessee shall, at its own expense, promptly restore the Premises to substantially the same condition as existed before damage or destruction. Thereafter, the full rent amount shall resume.

9) If the whole of the Premises, or any portion of the Premises as will make the Premises unsuitable for use contemplated under this Lease Agreement, shall be taken under the power of eminent domain (including any conveyance in lieu thereof), then the term of this Lease Agreement shall cease as of the date possession is taken by the condemnor, and the rent amount shall be accounted for as between Lessor and Lessee as of that date.

10) All applications in connection with necessary utility services on the Premises shall be made in the name of Lessee only and Lessee shall be solely liable for utility charges as they become due, including those for electricity, gas, water, sewer, and telephone services.

11) Lessee shall be in exclusive control and possession of the Premises, and Lessor shall not be liable for any injury or damages to any property or to any person on or about the Premises nor for any injury or damage to any property of Lessee. Lessee shall defend, indemnify and hold harmless the Lessor from and against any claims, damages, or expenses (including reasonable attorney's fees), whether due to damage to the premises, claims for injuries to persons or property, or administrative or criminal action by governmental authority, where such claims, damages, or expenses result from the negligence, misconduct or breach of any provision of this Lease Agreement by Lessee, its agents, employees or invitees.

12) If Lessee pays the rent and performs and observes all the other covenants and conditions to be performed and observed by it under this Lease Agreement, Lessee shall during the term of the Lease Agreement have the peaceable and quiet enjoyment of the Premises without interference from Lessor or any person lawfully claiming through Lessor.

13) All notices provided for in this Lease Agreement shall be in writing and shall be deemed to have been given when sent by registered or certified mail addressed to Lessor at:

Currituck County
 Attn: County Manager
 153 Courthouse Road, Suite 204
 Currituck, NC 27929

and to Lessee at:

The Truck Accessory Center
 Attn: Frank C. Bernard, President
 126 Caratoke Highway
 Moyock, North Carolina 27958

14) This Lease Agreement shall be construed and enforced in accordance with the laws of the State of North Carolina.

15) This Lease Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

16) Notwithstanding any other provision in this Lease Agreement, either party may terminate this Lease Agreement upon the terminating party providing written notice of termination to the nonterminating party thirty (30) days prior the termination date.

17) This Lease Agreement contains the complete agreement of the parties regarding the terms and conditions of the lease of the Premises, and there are no oral or written conditions, terms, warranties, understandings or other agreements which have not been incorporated in this Lease Agreement. This Lease Agreement may be modified only by written instrument duly executed by both parties or their respective successors in interest.

18) If any provision of this Lease shall be declared invalid or unenforceable, the remainder of the Lease shall continue in full force and effect.

[THIS PORTION INTENTIONALLY LEFT BLANK]

Attachment: Lease Agreement-TAC (Public Hearing-Lease of County Property-TAC RV)

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

CURRITUCK COUNTY

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

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

THE TRUCK ACCESSORY CENTER, INC.

By: _____
Frank C. Bernard, President

ATTEST:

Secretary

(CORPORATE SEAL)

Attachment: Lease Agreement-TAC (Public Hearing-Lease of County Property-TAC RV)





STAFF REPORT
PB 84-11 COROLLA LIGHT PUD
(PHASE 11)
AMENDED SKETCH PLAN/USE PERMIT
BOARD OF COMMISSIONERS
JANUARY 19, 2021

APPLICATION SUMMARY

Property Owner: Richard C. Willis Outer Banks Ventures, LLC PO Box 549 Corolla, NC 27927	Applicant: Richard C. Willis Outer Banks Ventures, LLC PO Box 549 Corolla, NC 27927
Case Number: PB 84-11	Application Type: Amended Sketch Plan/Use Permit
Parcel Identification Number: 115B-000-P2AU-0000	Existing Use: Planned Unit Development (PUD)
2006 Land Use Plan Classification: Full Service	Parcel Size (Acres): 0.92 (Subject Parcel) 267.05 (Overall PUD)
Request: Amend Sketch Plan/Use Permit	Zoning: SFO with PUD Overlay
Number of Units: 8 units (Subject Parcel – Phase 11) 603 units (Overall PUD)	Project Density: 8.69 units per acre (Subject Parcel – Phase 11) 2.51 units per acre (Overall PUD)
Required Open Space: 93.47 acres (35%) (Overall PUD) .32 acres (35%) (Subject Parcel – Phase 11)	Provided Open Space: 128.51 acres (48.12%) (Overall PUD) .44 acres (48%) (Subject Parcel – Phase 11)

SURROUNDING PARCELS

	Land Use	Zoning
North	Shad Street & Corolla Light Single-Family Residential	SFO with PUD Overlay
South	Beacon Villas – 16 duplexes (Multi-Family Subdivision)	SFO with PUD Overlay
East	Single-Family Dwellings (Whalehead Subdivision)	SFO with PUD Overlay
West	NC12 & Corolla Light Single-Family Residential	SFO with PUD Overlay

REQUEST

Narrative

The subject property (Phase 11) is part of the Corolla Light Planned Unit Development (PUD) and is subject to the Amended Sketch Plan. The property is designated commercial, and the applicant is requesting amended sketch plan/use permit approval for eight dwelling units on the property.

The applicant is proposing a mixed-use development. Two upper-story dwelling units are proposed in the existing building with commercial use on the ground level. Two 3-story multi-family buildings with three dwelling units in each building are proposed.

The site is located at the corner of Ocean Trail and Shad Street. There are multiple utility uses on-site including a water tower, telecommunications tower, several accessory/equipment buildings, propane tanks and generators. Easements for access to the utilities are held by the county, AT&T, Verizon, and Charter.

In the original Corolla Light PUD sketch plan, Phase 11 was approved for utility purposes including a water treatment plant and the property was designated as utility open space.

In 2008, the Board approved an amendment to the sketch plan that included the following:

- Phases 10, 11, 13 and 14 were rezoned from utility open space to General Business.
- Phase 11 was approved for commercial use only.
- 100 residential dwelling units were approved for Phases 10, 13 and 14.

In 2017 the county removed the water treatment equipment from the existing building on Phase 11. There are still elements of the water infrastructure on the property, but the building and has reverted to the owner. The building may be used for commercial purposes subject to the review standards of the UDO.

There is an existing issue with building occupancy. According to the applicant, the existing building is being used for residential occupancy. The property is not currently zoned for residential use and there is no density assigned to the property. This request will allow the applicant to conform to the county's ordinance by properly permitting residential use of the existing building.

A preliminary site plan as well as preliminary architectural renderings were provided to illustrate the proposed uses and project layout. The site plan includes areas designated for open space as well as active recreation open space. Included in the proposal are a swimming pool, playground area, dog park area, seasonal garden area, decorative fountain, and cornhole/game area. The open space proposed meets the requirement for the site; however, the location of some proposed amenities appear to have compatibility issues within the site. For example: the walkway for access to the pool from the proposed multi-family buildings will be between the existing Verizon equipment building and the water tower.

Community Meeting

A community meeting was held on November 23, 2020. The applicant and his engineer were present along with Planning Staff. Employees of Corolla Light Resort as well as neighboring property owners were in attendance. The attendees asked questions regarding the proposal. A community meeting summary is included in the agenda packet as well as a response to the meeting summary that was received from several attendees of the meeting on January 12, 2021.

INFRASTRUCTURE

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

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends **denial** of the use permit because the request is not consistent with goals and policies of the Land Use Plan and there are compatibility issues within the site and with surrounding land uses including the requested site-specific density.

USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

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

1. Transportation: The existing entrance configuration on Shad Street will be utilized with no direct connection to NC12 other than a pedestrian connection to the existing walkway. A driveway permit and encroachment agreement have been approved by NCDOT. Appropriate access has been made for emergency services vehicles.
2. Potable Water: Water will be supplied by Currituck County via existing water mains located on NC 12 and Shad Street. Fire protection will be provided in accordance with the NC Fire Code and applicable ISO standards.
3. Wastewater: Capacity for the development has been allocated by Carolina Water Service in the existing Monteray Shores Wastewater Treatment Facility which is regulated by NCDEQ and the NC Utilities Commission.
4. Stormwater Management: Stormwater will be collected and infiltrated via the existing basin on Shad Street, which will be able to accommodate the small additional impervious coverage proposed for the site.

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. Adjacent properties are a combination of single family and multi-family development; community compatibility standards will be adhered to in the architectural design and materials that are proposed for the new construction. Landscaping and buffering are also being provided in accordance with the UDO standards and will add to existing vegetative screening that is provided by the significant growth of Live Oaks on the site. The proposed density is lower than that of the adjacent Phase 12 development.

Staff commentary:

Differences between this site and the property to the south, Phase 12, are existing utility uses that impact this parcel and proposed commercial use (restaurant). Phase 12 was developed as 16 duplexes.

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

Please reference the application Attachment "A" in the agenda packet for the applicant findings.

Preliminary Staff Findings:

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

The request does not appear to be in direct conflict with the 2006 Land Use Plan with respect to the proposed mixed-use development and overall density of a PUD nor is it in direct conflict with the Transitional Provisions of the UDO with respect to dimensional and overall density standards for PUDs. However, there are compatibility issues within the site and with surrounding land uses. The site is smaller than an acre and this request proposes commercial, multi-family and utility uses.

The project was not designed or planned from the outset as future mixed-use development. This is evident by the placement of buildings on the property that do not appear to be a compatible mixture of residential, non-residential, and utility uses. The existing utility uses on site make it difficult to design an aesthetic project that is compatible with high density residential use.

The 1982 zoning ordinance that was in effect when the Corolla Light PUD was established stated that a PUD is expected to promote a more efficient use of the land, a higher level of amenities and more creative design than would otherwise be possible. The current ordinance contains similar language regarding planned developments.

It may be reasonable to include residential dwelling units on the Phase 11 property; however, the density proposed appears to overwhelm the site thus making it difficult to design and place a higher level of amenities on the parcel.

The request is not consistent with the following goals and policies of the Land Use Plan

1. Land Use and Development Goal #10
To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.
2. Land Use Compatibility - CAMA Management Goal
Ensure that development and use of resources or preservation of land minimizes direct and secondary environmental impacts; avoids risks to public health, safety and welfare; and is consistent with the capability of the land based on considerations of interactions of natural and manmade features.
3. POLICY CD8: MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.
4. 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.

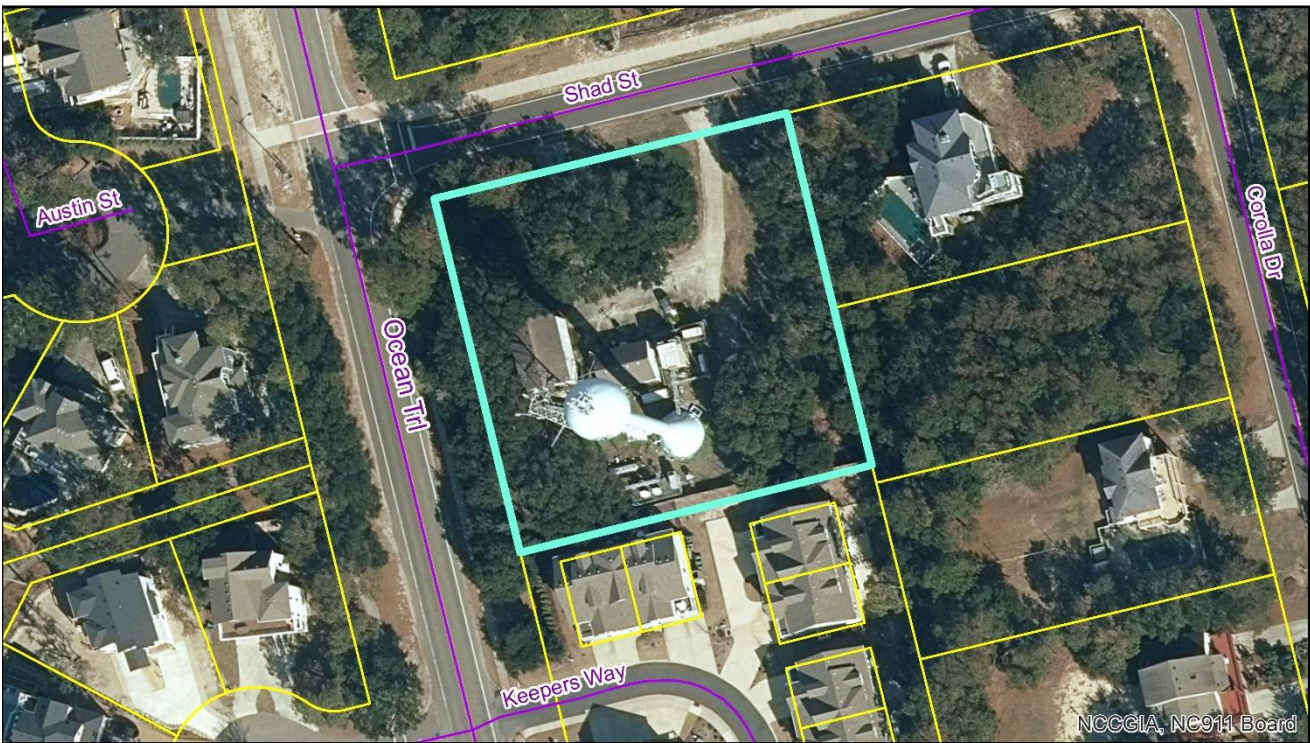
5. POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
 2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
6. POLICY HN9: Proposed residential development that would expose residents to the harmful effects of INCOMPATIBLE LAND USES or to ENVIRONMENTAL HAZARDS shall be prohibited. This would include, for example, residential development in locations adversely impacted by proximity to the airport or to activities involving excessive noise, light, odors, dust, fertilizers and insecticides (e.g. certain farm operations, mining activities, etc.).

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

Preliminary Staff Findings:

1. The proposed use will not exceed the county's ability to provide adequate public facilities. Utility services are proposed for the site, wastewater and water capacity are available.

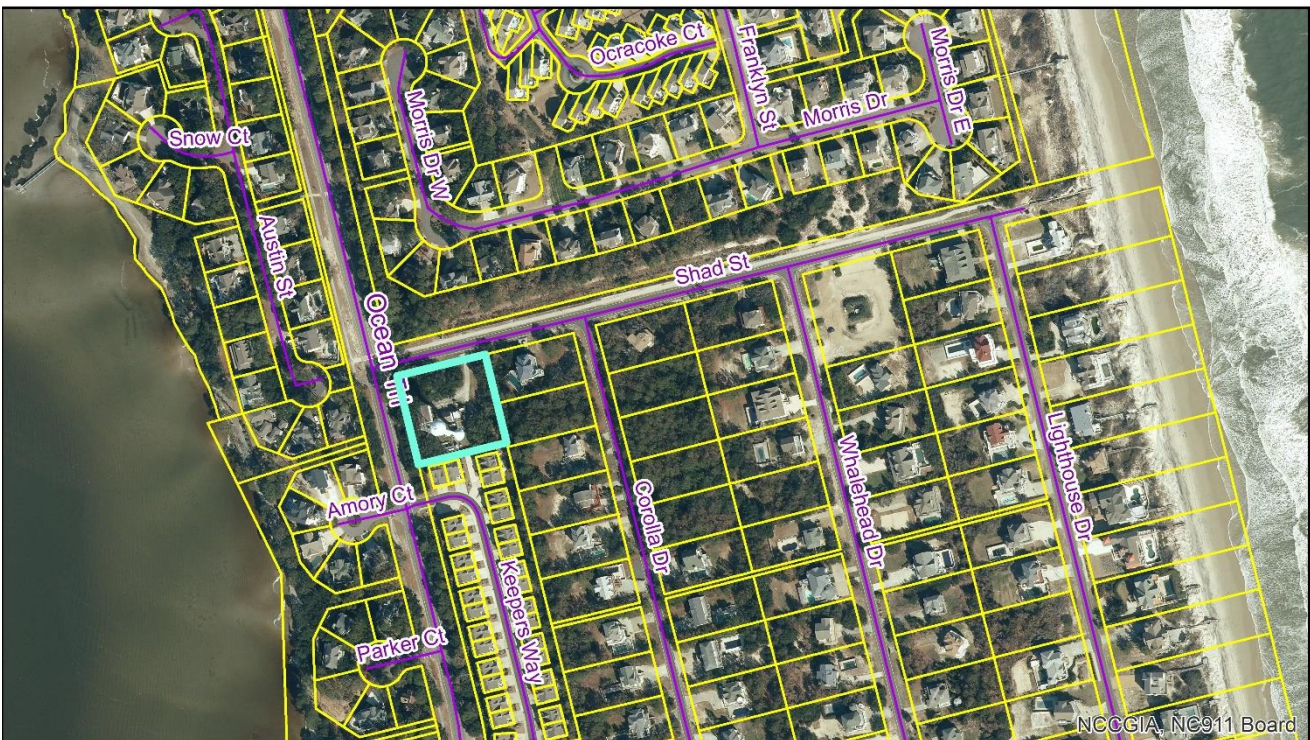
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
2020 Aerial Photography



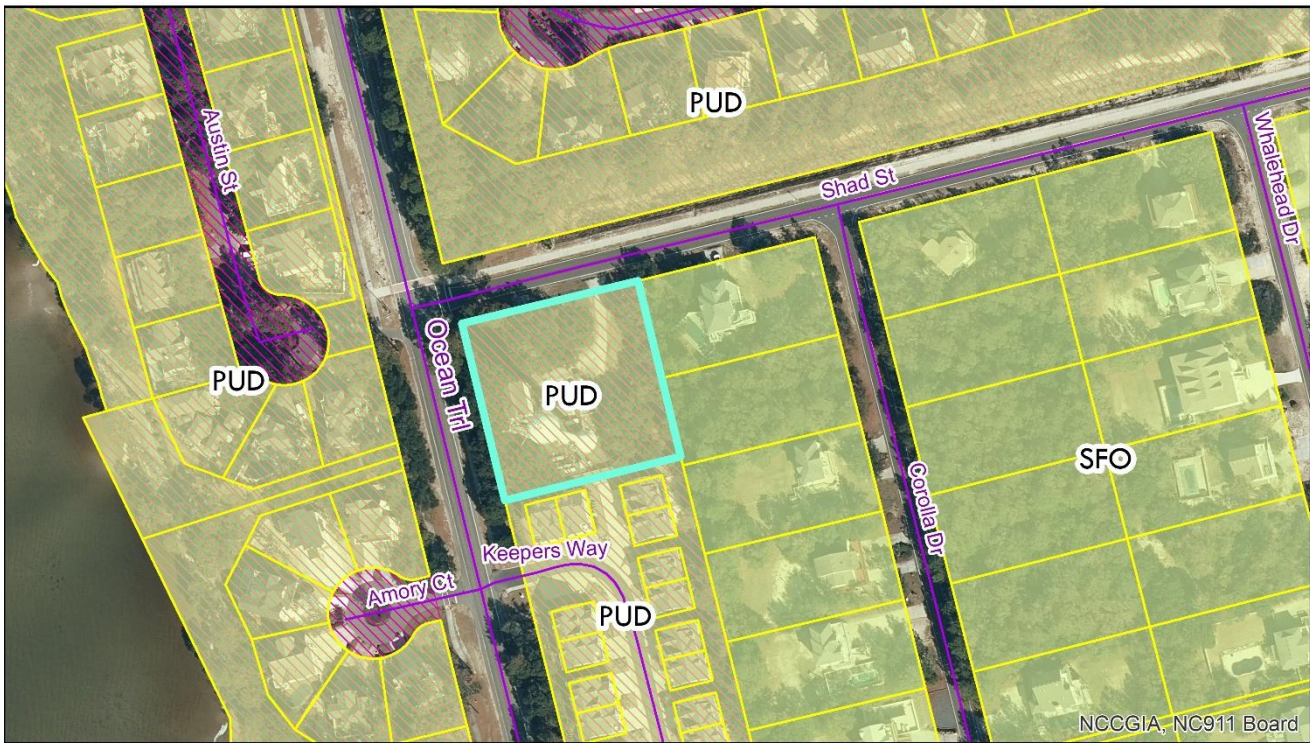
Currituck County
Planning and Community
Development



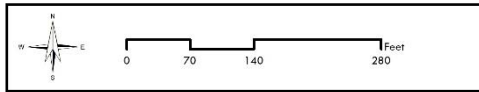
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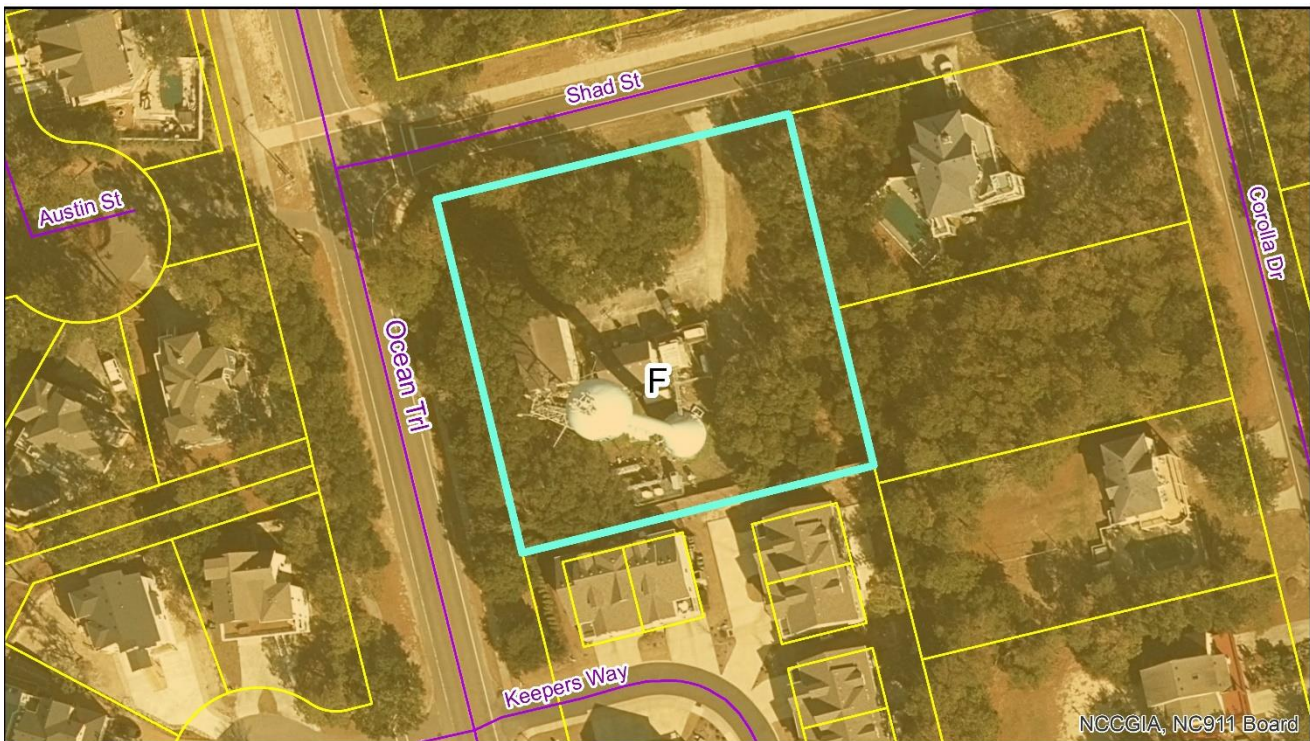
Currituck County
Planning and Community
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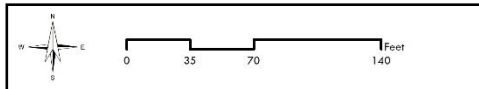
PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
Official Zoning Map



Currituck County
Planning and Community
Development



PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
Land Use Plan Classification



Currituck County
Planning and Community
Development



Major Subdivision Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

Name: Outer Banks Ventures, Inc.

 Address: P.O. Box 549
 Corolla, NC 27927

Telephone: 757-286-5859

E-Mail Address: rcwillis@outerbanksventures.com

PROPERTY OWNER:

Name: Same

Address: _____

Telephone: _____

E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Request

Physical Street Address: 1099 Ocean Trail, Corolla, NC

Parcel Identification Number(s): 115B-000-P2AU-0000

Subdivision Name: Corolla

Number of Lots or Units: LightX 8

Phase: 11

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*

12/21/2020
 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: Nov. 23, 2020

Meeting Location: Corolla Movie & Bistro

Use Permit Review Standards, if applicable

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

Purpose of Use Permit and Project Narrative (please provide on additional paper if needed): _____
 Please refer to Attachment "A"

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 refer to Attachment "A"
- 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 refer to Attachment "A"
- C. The use will be in conformity with the Land Use Plan or other officially adopted plan.
 Please refer to Attachment "A"
- D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.
 Please refer to Attachment "A"

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*

12/21/2020

 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.

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

Attachment: 2 Application (PB 84-11 Corolla Light PUD, Phase 11 Amended Sketch/Use Permit)

ATTACHMENT "A"

Purpose of the Use Permit and Project Narrative

The purpose of Use Permit Application is to correct a conflict on the most recently approved Amended Sketch Plan for Corolla Light PUD, where the commercial area use table shows than Phase 11 was approved for Commercial Use only, while the residential density table shows that Phase 11 is approved for commercial and residential use, and to specifically allocate 8 residential units to Phase 11, including two upper-story dwelling units over the existing commercial structure, and 6 multi-family units to be added in two buildings. A Preliminary Site Plan and Preliminary Architectural Renderings are provided to illustrate the proposed uses.

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

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

1. **Transportation:** The existing entrance configuration on Shad Street will be utilized with no direct connection to NC 12 other than a pedestrian connection to the existing walkway. A driveway permit and encroachment agreement have been approved by NCDOT.

Appropriate access has been made for emergency services vehicles.

2. **Potable Water:** Water will be supplied by Currituck County via existing water mains located on NC 12 and Shad Street. Fire protection will be provided in accordance with the NC Fire Code and applicable ISO Standards.
3. **Wastewater:** Capacity for the development has been allocated by Carolina Water Service in the existing Monterey Shore Wastewater Treatment Facility which is regulated by NCDEQ and the NC Utilities Commission.
4. **Stormwater Management:** Stormwater will be collected and infiltrated via the existing basin on Shad Street, which will be able to accommodate the small additional impervious coverage proposed for the site.

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.

1. Adjacent properties are a combination of single family and multi-family development; community compatibility standards will be adhered to in the architectural design and materials that are proposed for the new construction. Landscaping and buffering are

also being provided in accordance with the UDO standards, and will add to existing vegetative screening that is provided by the significant growth of Live Oaks on the site. The proposed density is lower than that of the adjacent Phase 12 development.

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

1. The following special policies applicable to the Outer Banks are supported:
POLICY OB3: Currituck County recognizes that, on the Outer Banks in particular, “single family” homes are being built that accommodate 15, 20, 25 or more people. Thus, these LARGE RESIDENTIAL STRUCTURES are circumventing existing zoning laws that could not anticipate the advent of these building forms. Development regulation and project approvals shall therefore be based upon the actual nature of the structure rather than the label (e.g. single family) that may be attached to it.

The proposed uses are upper-story residential and actual multi-family development that do not circumvent existing zoning laws and are labeled according to the actual use.

2. The property is located in the Full Service Land Use classification where, “A greater diversity in housing types (i.e. semi-detached, attached, multi-family) would be considered appropriate.
3. The property is also located within the existing PUD, where the density is below the allowable 3 dwelling units per acre.

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.

1. The proposed uses are not expected to have an adverse impact on schools, fire and rescue, law enforcement or other county facilities.

Additional Land Use Plan policies that support the development proposal:

HOUSING AND NEIGHBORHOOD DEVELOPMENT POLICIES

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. ***The proposed development is not within an environmentally sensitive area and has more than adequate access to urban services including water, sewer and transportation (both vehicular and pedestrian). The density is comparable to, or below, the density of other multi-family and mixed-use areas in Corolla Light.***

POLICY HN2: ...The County shall therefore encourage alternatives to large lot developments through INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDING ZONING techniques. ***The proposed development provides a needed alternative housing type for Corolla.***

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

2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map. ***The proposed development is a compact mixed-use development with adequate public services and which will be self-supporting.***

COMMERCIAL DEVELOPMENT POLICIES

POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. ***The proposed development is at a main intersection of a collector street and a primary highway.***

POLICY CD7: Attractive, environmentally beneficial LANDSCAPING shall be provided by new commercial or office developments, and in the rehabilitation and upgrading of existing developments. Appropriate BUFFERING or other effective DESIGN FEATURES may be employed to allow less intensive forms of commercial and office development to adjoin existing or planned residential uses. ***The site is already well-buffered with a heavy growth of live oaks, and additional heavy landscaping is being provided. Overall, the site will be upgraded from its current condition.***

Full Service Areas* (Areas Preferred for Community Centers)

A greater diversity in housing types (i.e. semi-detached, attached, multi-family) would be considered appropriate in the Full Service areas. ***The development is located in the heart of an existing full-service area and offers needed housing alternatives.***

Community Meeting Summary

Corolla Light PUD - Amended Sketch Plan/Use Permit

Monday, November 23, 2020

Scheduled Time/Place: 6:00 pm, Corolla Movie Theater, Monteray Plaza, Corolla, NC

Meeting Began at approximately 6:00 pm and Ended at approximately 6:40 pm

Attendees: Community Residents (See attached sign-in sheet)

Jennie Turner, Currituck County
 Savannah Newbern, Currituck County
 Richard Willis, Applicant
 Mark Bissell, Engineer

Overview:

An overview of the requested application and County review and approval process was offered. The overview included an explanation of the developer's desire to construct 2 upper story dwellings above the existing commercial building, and 6 multifamily dwellings in 2 new buildings was explained.

Building Renderings and site plan drawings were provided for review.

Comments from the Community	How Addressed
How many dwellings will there be?	A total of 8
How many bedrooms? Bathrooms?	Each unit will have 2 bedrooms and 2 bathrooms
What are the square footages?	Each unit will be a little under 900 square feet
What type of siding will be used?	Will determined by the Architect at the next stage
What will the eatery be?	While not part of this application, the developer is proposing a chicken restaurant on the first floor, which will have some outdoor seating.
Will there be a liquor license	Uncertain, but probably beer & wine will be served
How much Parking will there be?	23 spaced are being provided.

Summary:

The attendees appeared to be satisfied with the request. A few people stayed around after the meeting was adjourned to view maps and renderings.

COROLLA LIGHT PHASE II -

Community Meeting 11-23-20

NAME

ADDRESS

PHONE

E-MAIL

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757-621-7910RUBEN O'BRIEN 1086 Keepers Way B
320.727.0422

Amy Adams 1140 Morris Dr.

Bob Storeking 1006 Ocean Trail

Deb Spillman 1127 Morris Dr.

Jennie Turner Currituck County

252-232-6034 jennieturner@currituckcounty.gov

Savannah Newbern Currituck Co.

252-232-6066 Savannah.Newbern@CurrituckCounty.gov

January 12, 2021

Laurie B. LoCicero, Director
Currituck County Department of Planning and Community Development
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929

Re: Corolla Light PUD, Phase 11 - Community Meeting Response to Summary

Dear Ms. LoCicero:

The undersigned, members of the Corolla Light community, submit the following comments concerning proposed development plans for Phase 11:

A. Objections to Aspects of the Community Meeting

We take exception to multiple elements of the November 23, 2020 Community Meeting involving proposed development of a small piece of property in the Corolla Light PUD at Shad Street and Route 12.

1. Misleading Statement: A statement made in the closing paragraph of the Developer's Minutes of the Community Meeting is misleading. The statement claims that, "attendees appeared to be satisfied with the request" We dispute this assertion. While questions were asked, and as set forth below, all attendees were not satisfied with the answers or information provided.
2. Meeting Accessibility: The meeting was inaccessible to many with homes near the proposed development and elsewhere within the Corolla Light community due to COVID-related health concerns about attendance in an indoor venue.
3. Notification, Time and Place: The disorganized manner of notification to homeowners near the proposed development and the Corolla Light Community Association created significant confusion. The first notification received via mail did not provide a date, time or location for the meeting. A sign was subsequently posted on the property announcing a meeting date of November 9, time and location. This meeting was then canceled without notice or explanation. A second mailed notice announced a new date and time for November 23rd.
4. Conduct of the Meeting: The meeting (in an enclosed movie theater) was for all practical purposes held in the dark, making viewing of the presentation boards very difficult. Attendees were required to review the site plan boards with flashlights. In addition, it was believed that details and essential aspects of the

proposed development were communicated imprecisely, resulting in confusion over the exact scope of the proposed development.

B. Our substantive concerns about the proposed development are as follows:

1. Incompatible uses embodied in this proposal will endanger public health or safety.
 - a. A substantial proportion of the less than one acre parcel is dedicated to the operation and servicing of a water and communication tower. Squeezing eight residential units, a pool, a restaurant, 23 parking spaces, loading docks etc., onto the property will cause serious conflicts of use.
 - b. Those residing on the property, restaurant employees and customers will be exposed to potentially dangerous operational equipment, including transformers, generators, two gas tanks (one an above ground LPG tank), an elevated platform containing machinery, chemicals stored on site for maintenance purposes, etc. Of significance, it appears that residents desiring to use the pool will be required to traverse a walkway through the entirety of the restricted utility area, including water and cell tower energized equipment. Appropriate clearance and fencing will be required to safely separate the public, especially non-adults, from this equipment. It is recommended that all energized infrastructure equipment should have required clearances, along with high security fencing.
 - c. Utility workers must remain unimpeded in delivering water and communication services to Corolla consumers. The repair, maintenance, inspection and operation of these utilities requires unobstructed access for service vehicles and heavy equipment, especially during potential emergencies.
 - d. Water towers have an average life span of 50 to 60 years. Our coastal environment may accelerate the decay of this nearly 30 year old structure. What is the plan for decommissioning of the structure? Will it be dismantled and re-erected on site? Adequate space is required for cranes and heavy equipment for safe demolition and reconstruction.
 - e. The existing telecommunication tower can be expected to be disassembled at some point for removal or replacement. Will it be disassembled and/or re-erected on site? Adequate space is required for cranes and heavy equipment for safe demolition and reconstruction.
 - f. Maintaining the property as Utility Open Space for existing and possibly future improvements and utility support is consistent with best practices and guidance of Currituck County's Unified Development Ordinances.

2. The use will injure the value of property in and be inharmonious with the area in which it is located.
 - a. Residents living in the vicinity of the proposed development purchased and have made substantial improvements to their homes with the belief that the small property housing the two towers would be preserved permanently as Utility Open Space. In fact, the number of easements, including those for Currituck County, cable tv and wireless transmission, present on the property support this understanding.
 - b. The addition of overly dense residential and commercial uses to the site already used by Water and Communications towers will result in major adverse changes to the character and appearance of adjacent and nearby neighborhoods.
 - c. Just prior to application submission to the County Planning Department, multiple healthy and large live oaks were bulldozed and removed from the property and community easement along Shad Street and Route 12. This action has already created an adverse visual impact. The mature trees served as attractive buffers between the site and the adjacent roads and neighborhoods.
 - d. Increases in traffic, parking problems and noise are likely to have a negative impact on nearby homes. Seemingly inadequate parking space in both number and location for these incompatible uses, especially during the day, can be expected to result in (currently illegal) street parking along Shad Street.
 - e. Corolla Light is a destination vacation village resort, with years of awards and high visitor ratings. In maintaining and advancing tourism standing, the character of the overall resort and property values of existing homes must be protected. Design and construction of any structure on the property must be of the highest quality in order to promote the unique brand of the resort.
 - f. Any multifamily building height must not exceed two stories in height in conformity and compatibility with Corolla Light Resort characteristics, mirroring that of the two story Mirage Condominiums just north of the Recreation Center.
3. Conformity with the Land Use plan or other officially adopted plan.
 - a. Construction of any structure must comply with Unified Development Ordinances.

- b. The aesthetics and quality of structures built must complement the existing look and style of the architecture of Corolla Light Resort.

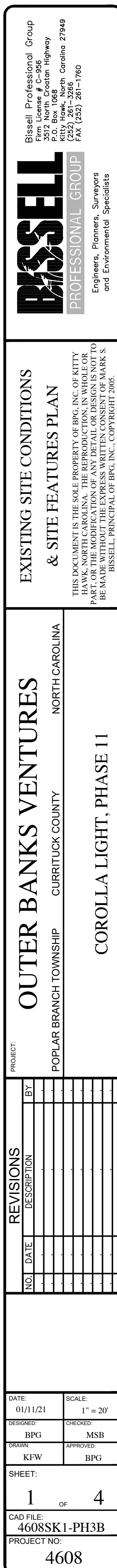
Thank you for consideration of our views.

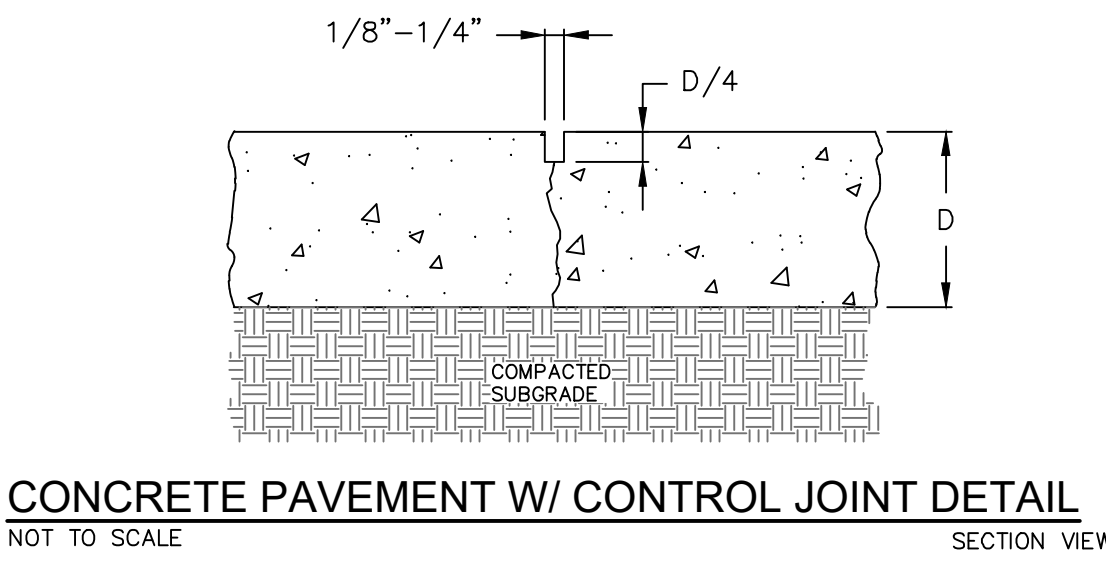
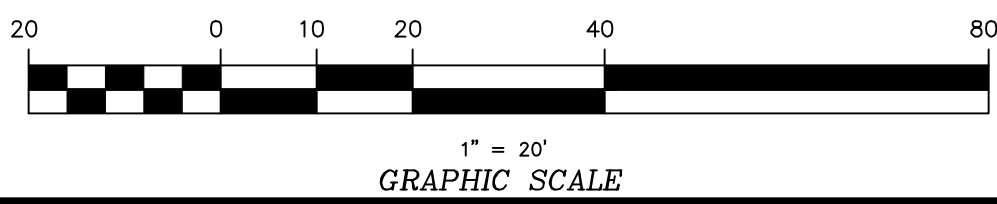
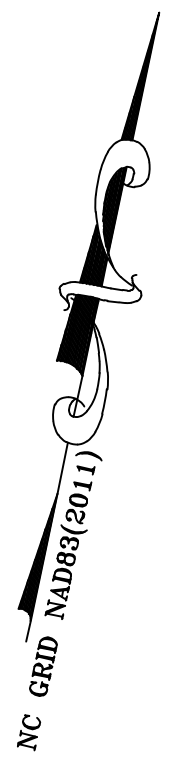
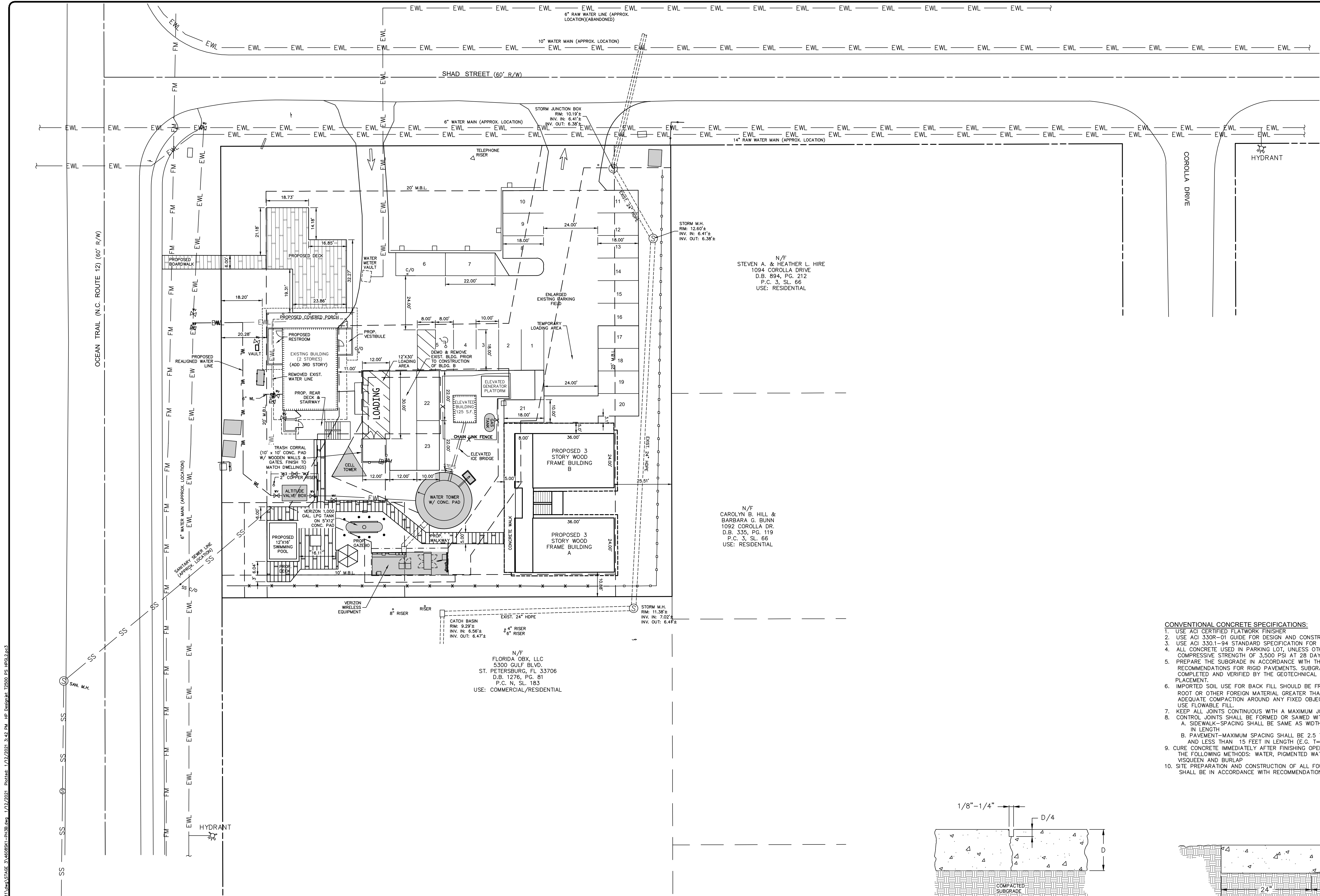
Bob Stoneking
Facilities Manager
Corolla Light Community Association
1006 Ocean Trail
Corolla, NC 27927

Amy Adams
1140 Morris Drive
Corolla, NC 27927

Deb Spillman
1127 Morris Drive
Corolla, NC 27927

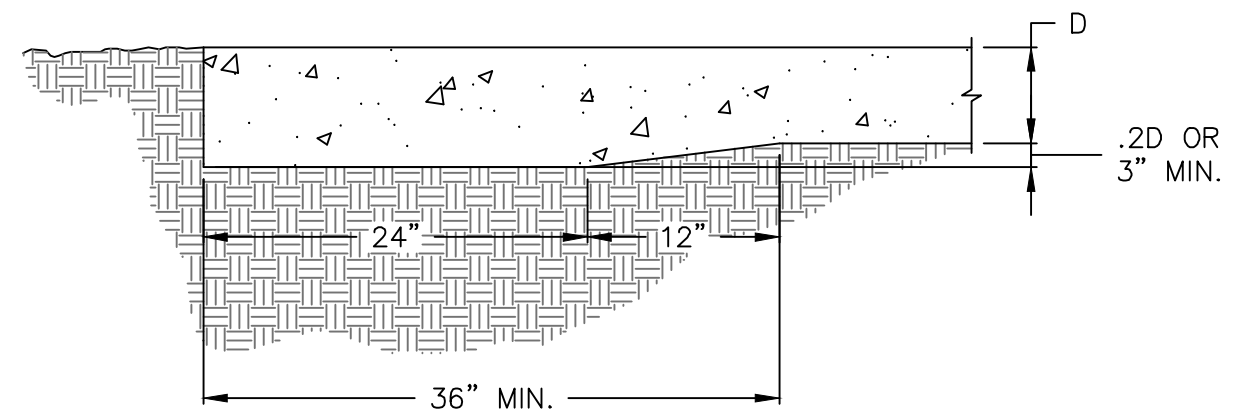
Barbara Heffernan
1121 Austin Street
Corolla, NC 27927





CONCRETE PAVEMENT W/ CONTROL JOINT DETAIL
NOT TO SCALE SECTION VIEW

NOTES:
MINIMUM PAVEMENT THICKNESS (D) = 6" W/6x6-W2.9 x W2.9 WWF REINFORCEMENT, PLACE 2" BELOW TOP OF SLAB
UNDOWELED TRANSVERSE CONTRACTION OR LONGITUDINAL JOINT, SAWED OR PRE-MOLDED. DO NOT DOWEL PAVEMENTS LESS THAN 7" THICK.



CONVENTIONAL CONCRETE THICKENED EDGE DETAIL
NOT TO SCALE SECTION VIEW

- CONVENTIONAL CONCRETE SPECIFICATIONS:**
1. USE ACI CERTIFIED FLATWORK FINISHER
 2. USE ACI 330R-01 GUIDE FOR DESIGN AND CONSTRUCTION OF CONCRETE PARKING LOTS
 3. USE ACI 330.1-94 STANDARD SPECIFICATION FOR PLAIN CONCRETE PARKING LOTS
 4. ALL CONCRETE USED IN PARKING LOT, UNLESS OTHERWISE INDICATED, SHALL HAVE A COMPRESSIVE STRENGTH OF 3,500 PSI AT 28 DAYS.
 5. PREPARE THE SUBGRADE IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS FOR RIGID PAVEMENTS. SUBGRADE SOIL DENSITY TESTING MUST BE COMPLETED AND VERIFIED BY THE GEOTECHNICAL ENGINEER PRIOR TO CONCRETE PLACEMENT.
 6. IMPORTED SOIL USE FOR BACK FILL SHOULD BE FREE OF HEAVY CLAY, SILTS, STONES, PLANT ROOT OR OTHER FOREIGN MATERIAL GREATER THAN 1/2" IN DIAMETER IN ORDER TO ACHIEVE ADEQUATE COMPACTION AROUND ANY FIXED OBJECT IN GROUND. ALTERNATE WILL BE TO USE FLOWABLE FILL.
 7. KEEP ALL JOINTS CONTINUOUS WITH A MAXIMUM JOINT SPACING OF 10 FT.
 8. CONTROL JOINTS SHALL BE FORMED OR SAWED WITHIN 12 HOURS FROM TIME OF PLACEMENT:
A. SIDEWALK-SPACING SHALL BE SAME AS WIDTH OF PAVEMENT AND LESS THAN 5 FEET IN LENGTH
B. PAVEMENT-MAXIMUM SPACING SHALL BE 2.5 TIMES THICKNESS IN UNIT OF FEET AND LESS THAN 15 FEET IN LENGTH (E.G. T=4 INCH SPACING AT 10'x10')
 9. CURE CONCRETE IMMEDIATELY AFTER FINISHING OPERATION IS COMPLETED BY USING ONE OF THE FOLLOWING METHODS: WATER, PIGMENTED WATER-BASED CURING COMPOUND OR VISQUEEN AND BURLAP
 10. SITE PREPARATION AND CONSTRUCTION OF ALL FOUNDATIONS, GROUND SLABS, AND PAVEMENTS SHALL BE IN ACCORDANCE WITH RECOMMENDATIONS PROVIDED BY A GEOTECHNICAL ENGINEER

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10000 North Carolina Highway
2749
Kitty Hawk, North Carolina 27449
TEL (252) 381-1760
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PROFESSIONAL GROUP

Engineers, Planners, Surveyors
and Environmental Specialists

**PROPOSED SITE FEATURES
& IMPROVEMENTS**

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OUTER BANKS VENTURES

POPLAR BRANCH TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA

COROLLA LIGHT, PHASE 11

REVISIONS	
NO.	DATE

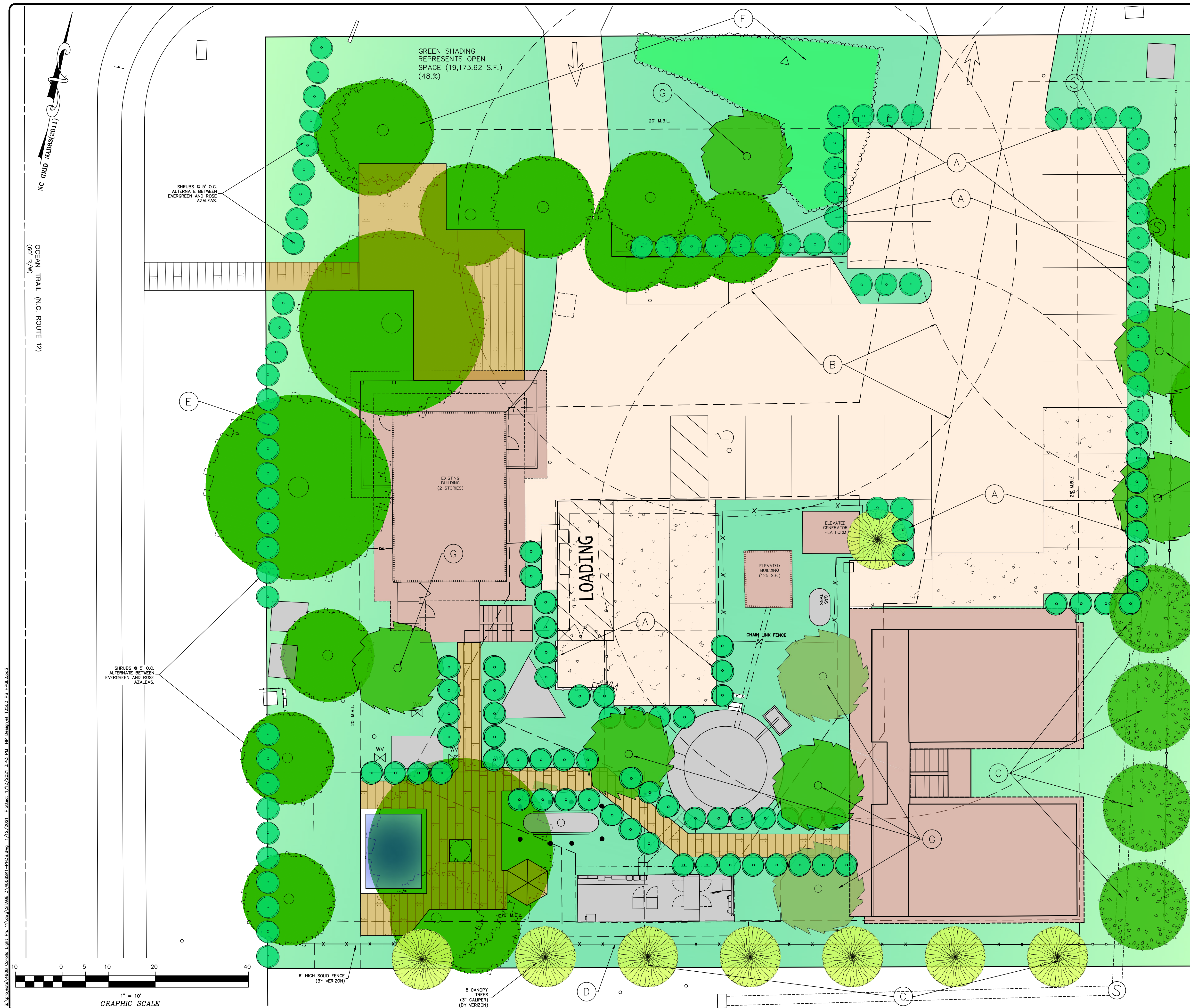
DATE	SCALE
01/11/21	1" = 20'

DESIGNED	CHECKED
BPG	MSB

DRAWN	APPROVED
KFW	BPG

SHEET: **2** OF **4**

CAD FILE: 4608SK1-PH13B
PROJECT NO: 4608



LANDSCAPING STANDARDS COMPLIANCE CHART			
SYMBOL	STANDARD	ORDINANCE SECTION	COMPLIANCE
A	PARKING PERIMETER LANDSCAPING STRIP	5.2.5.C	290 LF OF VEHICULAR USE AREA = 56 SHRUBS (PROVIDED)
B	PARKING SHADING REQUIREMENT	5.2.5.D	3 EXISTING HERITAGE TREES WITHIN 60 FT. OF ALL SPACES
C	PERIMETER LANDSCAPE BUFFERS	5.2.6	<p>SOUTHERN PROPERTY LINE: TYPE D BUFFER (OPTION 2)</p> <p>REQ'D: ONE 6 FT. HIGH SOLID FENCE + 12 ACI OF CANOPY TREES PER 100 L.F. @ 200 L.F. = 24 ACI</p> <p>PROVIDED: (8) 3" CALIPER CANOPY TREES + (1) 6 FT. HIGH SOLID FENCE (BY VERIZON)</p> <p>EASTERN PROPERTY LINE: TYPE D BUFFER (OPTION 2)</p> <p>REQ'D: ONE 6 FT. HIGH SOLID FENCE + 12 ACI OF CANOPY TREES PER 100 LF OF PROPERTY LINE = 24 ACI</p> <p>PROVIDED: CREDIT (1) EXISTING HERITAGE OAK (12" TOTAL CALIPER INCHES) + (4) 3" CALIPER CANOPY TREES + 205 LF OF SOLID FENCING, 6 FT. HIGH</p>
D	SCREENING	5.2.7.C	ROT-RESISTANT WOODEN OPAQUE FENCE, 6 FT. HIGH. FINISH TO MATCH BUILDING.
E	STREETSCAPE BUFFER	5.2.8	200 LF = 16 ACI REQ'D.
F	SITE LANDSCAPING	5.2.4	<p>16" CREDIT FOR EXISTING HERITAGE TREES</p> <p>2 CALIPER INCH PER ACRE = 2" X 0.92 AC. = 1.8" REQ'D.</p> <p>1.8" CREDIT FOR EXISTING HERITAGE TREES = 1 SHRUB PER 5 L.F. OF BUILDING FACADE FACING STREET = 60 L.F./5 = 12 SHRUBS</p> <p>12 SHRUB CREDIT FOR EXISTING JUNIPER SCREENING ON SHAD STREET</p>
G	HERITAGE TREE REPLACEMENT	7.2.3.E.(1)	<p>REMOVED HERITAGE TREE REPLACED BY TREE(S) EQUALING 1/2 TREE DIAMETER.</p> <p>REMOVED: (4) 12" TREES</p> <p>PROVIDED: (6) 4" CANOPY TREES</p>

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Kitty Hawk, North Carolina 27949
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LANDSCAPING AND
BUFFERING PLAN

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OUTER BANKS VENTURES

NORTH CAROLINA

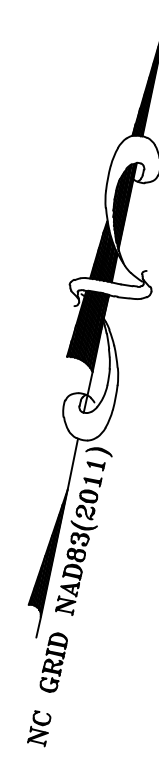
CURRITUCK COUNTY

COROLLA LIGHT, PHASE 11

REVISIONS		PROJECT	
NO.	DATE	DESCRIPTION	BY
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DATE: 01/11/21	SCALE: 1" = 10'
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW	APPROVED: BPG
SHEET:	

3 OF 4
 CAD FILE:
 4608SK1-PH3B
 PROJECT NO:
 4608



OPEN SPACE CALCULATIONS:
TOTAL TRACT AREA = 0.915 AC.
REQUIRED OPEN SPACE = 0.92 AC. X 0.35 = 0.32 AC.
OPEN SPACE PROVIDED = 48.1%
REQUIRED ACTIVE RECREATION OPEN SPACE = 0.32 AC. X 0.35 = 0.11 AC.
ACTIVE RECREATION OPEN SPACE PROVIDED = 0.11 AC.

DATE: 01/11/21	SCALE: 1" = 20'
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW	APPROVED: BPG
SHEET: 4 OF 4	
CAD FILE: 4608SK1-PH3B	
PROJECT NO: 4608	

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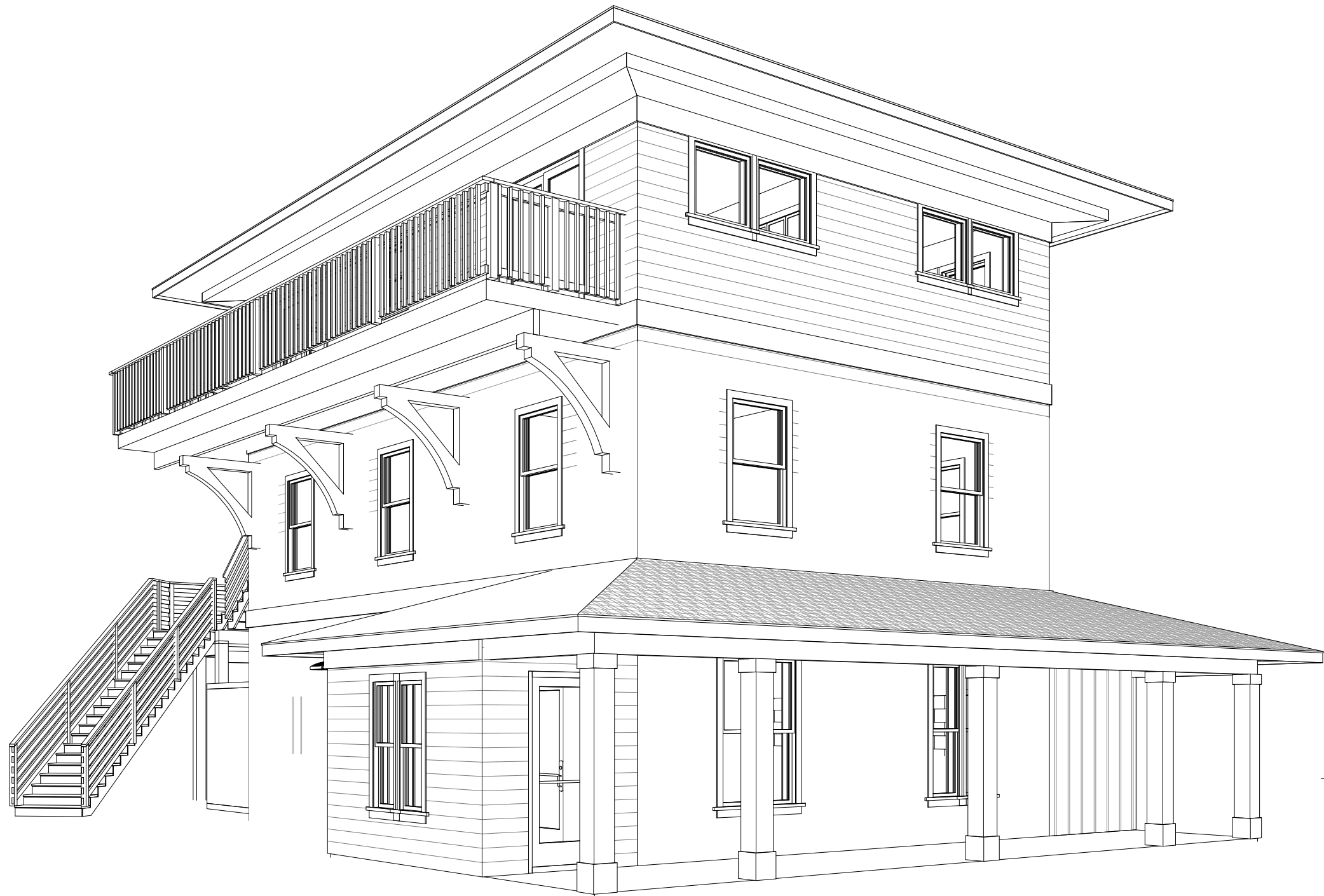
PROJECT: OUTER BANKS VENTURES
POPULAR BRANCH TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA
COROLLA LIGHT, PHASE 11

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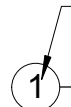
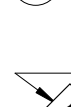

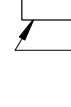



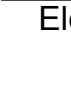








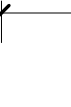


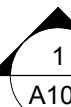






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and Environmental Specialists

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Kitty Hawk, North Carolina 27949
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1 Perspective



3. THESE DRAWINGS ARE BASED ON FIELD OBSERVATIONS AND MEASUREMENTS OF THE EXISTING STRUCTURE. DIMENSIONS FOLLOWED BY A +/- MAY BE ADJUSTED TO MEET THE REQUIREMENTS OF THE DRAWINGS. THE OWNER SHALL BE RESPONSIBLE FOR THE GENERAL CONTRACTOR SHALL RESOLVE SUCH DISCREPANCIES WITH REGARD TO THE BUILDING'S STRUCTURAL INTEGRITY.
4. ELECTRICAL SERVICE SHALL BE TERMINATED AS APPROPRIATE PRIOR TO THE COMMENCEMENT OF DEMOLITION.
5. TERMINATION OF GAS SERVICE SHALL BE VERIFIED PRIOR TO THE COMMENCEMENT OF DEMOLITION.
6. THE GENERAL CONTRACTOR SHALL SEQUENCE THE WORK SO AS TO PROTECT THE EXISTING STRUCTURE FROM EXCESSIVE WATER DAMAGE, UNAUTHORIZED ACCESS, ETC. THE GENERAL CONTRACTOR SHALL TAKE APPROPRIATE MEASURES TO MAINTAIN THE BUILDING'S STRUCTURAL INTEGRITY.
7. THE OWNER SHALL BE RESPONSIBLE TO SALVAGE ANY REMOVED STRUCTURES, ARCHITECTURAL COMPONENTS, WINDOWS, FIXTURES, EQUIPMENT OR HARDWARE FOR SALE OR RE-USE. IT WILL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE WITH THE APPROPRIATE AGENCIES TO OBTAIN NECESSARY PERMITS FOR THE REMOVAL AND REMOVAL OF MATERIALS FROM THE SITE.
8. EXISTING STRUCTURAL COLUMNS, BEAMS AND WALLS SHALL REMAIN U.N.O.
9. TEMPORARY SUPPORT OF RAFTERS SHALL BE PROVIDED WHERE ROOF STRUCTURE IS TO BE REMOVED.
10. TEMPORARY SUPPORT OF JOISTS SHALL BE PROVIDED WHERE BEARING WALLS ARE TO BE REMOVED.
11. TEMPORARY SUPPORT OF THE FLOOR STRUCTURE SHALL BE PROVIDED WHERE FLOOR AREAS ARE PARTIALLY REMOVED.
12. SOME PLUMBING FIXTURES AND PIPING SHALL BE REMOVED, WHILE ALL ABANDONED PIPING AND FLOOR DRAINS EVEN WITH THE FLOOR OR WALL SURFACE.
13. ALL GAS PIPING AND GAS EQUIPMENT SHALL BE REMOVED GAS-TIGHT. FITTING OF GAS PIPING SHALL NOT BE PERMITTED.
14. DISCONNECT EXISTING ELECTRICAL SERVICE AT SERVICE ENTRY AND PROPERLY CAP ALL WIRING.
15. ALL UTILITIES MUST BE CUT, CAPPED, TERMINATED, AND PROPERLY ISOLATED SO THAT NO DAMAGE OCCURS TO PARTS OF ANY SYSTEM THAT ARE TO REMAIN OR SERVE OTHER BUILDINGS THAT ARE NOT PART OF THE DEMOLITION. CONDITIONS, DUE TO THE NATURE OF THE STRUCTURE AND THE WORK TO BE DONE, THE CONTRACTOR SHALL PROVIDE INFILL AT DOOR OPENINGS SHALL MATCH SURROUNDING CONSTRUCTION AS NEARLY AS POSSIBLE.
16. INASMUCH AS THE REMODELING AND/OR REHABILITATION OF AN EXISTING BUILDING REQUIRES THAT CERTAIN ASSUMPTIONS BE MADE REGARDING EXISTING CONDITIONS, AND BECAUSE SOME OF THESE ASSUMPTIONS MAY NOT BE VERIFIABLE WITHOUT EXPENDING ADDITIONAL SUMS OF MONEY, OR DESTROYING OTHERWISE ADEQUATE OR NECESSARY PORTIONS OF THE BUILDING, THE OWNER AGREES THAT, EXCEPT FOR NEGLIGENCE ON THE PART OF THE DESIGN PROFESSIONAL, THE OWNER WILL HOLD HARMLESS, INDEMNIFY AND DEFEND THE DESIGN PROFESSIONAL FROM AND AGAINST ANY AND ALL CLAIMS AND DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF THIS AGREEMENT. WHERE NEW CONSTRUCTION IS SHOWN IN ALIGNMENT WITH EXISTING COLUMNS OR THE EDGE OF AN EXISTING MASONRY OPENING THE ALIGNMENT SHOULD BE MAINTAINED. ANY EXISTING CONDITIONS WHICH PROHIBIT NEW CONSTRUCTION IN CONFORMANCE WITH THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.

	DRAWING NUMBER		DRAWING TITLE
	DRAWING NUMBER		EXTERIOR ELEVATION KEY
	DRAWING NUMBER		INTERIOR ELEVATION KEY
	Name Elevation		LEVEL CALLOUT
			DOOR TAG
			WINDOW TAG
			WALL TAG
	Room name		ROOM TAG
	5' - 0"		DIMENSION (FACE OF STUD U.N.O.)
	1 SIM		SECTION KEY
	1 SIM		DETAIL KEY
	1 SIM		ENLARGED PLAN OR DETAIL KEY
	Drawing Symbols		1/4" = 1'-0"

Project: **Phase 11**

Project No: **20042**

Location: **1099 Ocean Trail
Corolla, NC 2792**

Title: **Cover Sheet**

Date: **October 13, 2020**

Scale: **1/4" = 1'-0"**

Designed: MAK
Drawn: MAK, JPB
Reviewed:
Cad File:

A001

2018 APPENDIX B
BUILDING CODE SUMMARY FOR ALL COMMERCIAL PROJECTS
 (EXCEPT 1 AND 2-FAMILY DWELLINGS AND TOWNHOUSES)
 (Reproduce the following data on the building plans sheet 1 or 2)

Name of Project: Phase 11
 Address: 1099 Ocean Trail
Corolla, NC 27927
 Owner/Authorized Agent: Owner
 Phone #: _____ E-Mail: _____
 Owned By: ☐ City/County ☐ Private ☐ State
 Code Enforcement Jurisdiction: ☐ City ☐ County ☐ State

CONTACT: <u>Mark Kasten, AIA</u>					
DESIGNER	FIRM	NAME	LIC #	TELEPHONE #	E-MAIL
Architectural	Cahoon + Kasten Architects	Mark Kasten	7220	252.441.0271	mark@cobarchitects.com
Civil					
Electrical					
Fire Alarm					
Plumbing					
Mechanical					
Sprinkler-Standpipe					
Structural					
Retaining Walls >5'h					
Other					

2018 NC BUILDING CODE: ☐ New Building ☐ Addition ☐ 1st Time Interior Completion
☐ Shell / Core* ☐ Phased Construction*

*Contact the local inspection jurisdiction for possible additional procedures and requirements.

2018 NC EXISTING BUILDING CODE: ☒ Prescriptive ☐ Alteration Level I ☐ Historic Property
☐ Repair ☐ Alteration Level II ☐ Change of Use
☐ Chapter 14 ☐ Alteration Level III

CONSTRUCTED: (date) _____ **CURRENT OCCUPANCY(S)** (Ch. 3): _____
RENOVATED: (date) _____ **PROPOSED OCCUPANCY(S)** (Ch. 3): _____

RISK CATEGORY (Table 1604.5): **Current:** _____ **Proposed:** _____

BASIC BUILDING DATA
Construction Type (check all that apply) ☐ I-A ☐ II-A ☐ III-A ☐ IV ☐ V-A
☐ I-B ☐ II-B ☐ III-B ☒ V-B
Sprinklers: ☐ No ☐ Partial ☒ NFPA 13 ☐ NFPA 13R ☐ NFPA 13D
Standpipes: ☒ No ☐ Class 1 ☐ II ☐ III ☐ Wet ☐ Dry
Primary Fire District: ☒ No ☐ Yes **Flood Hazard Area:** ☒ No ☐ Yes
Special Inspections Required: ☒ No ☐ Yes If special inspections are required, contact the local inspection jurisdiction for additional procedures and requirements.

Gross Building Area Table			
FLOOR	EXISTING (SQ FT)	NEW (SQ FT)	SUB-TOTAL
4th Floor			
3rd Floor		864 SF	864 SF
2nd Floor	864 SF		864 SF
Mezzanine			
1st Floor	864 SF	108 SF	972 SF
Basement			
Total	1728 SF	972 SF	2700 SF

ALLOWABLE AREA

Primary Occupancy Classification(s):
 Assembly ☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ A-5
 Business ☒
 Educational ☐
 Factory ☐ F-1 Moderate ☐ F-2 Low
 Hazardous ☐ H-1 Detonate ☐ H-2 Defflagrate ☐ H-3 Combust ☐ H-4 Health ☐ H-5 HPM
 Institutional ☐ I-1 ☐ I-2 ☐ I-1 & I-2 Condition ☐ I ☐ 2
☐ I-3 ☐ I-4 ☐ I-3 Condition ☐ I ☐ 2 ☐ 3 ☐ 4 ☐ 5
 Mercantile ☐
 Residential ☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4
 Storage ☐ S-1 Moderate ☒ S-2 Low ☐ Hile Pile ☐ Enclosed ☐ Repair Garage
☐ Parking Garage ☐ Open
 Utility and Miscellaneous ☐

Accessory Occupancy Classification(s): _____
Incidental Uses (Table 509): _____
Special Uses (Chapter 4 - List Code Sections): _____
Special Provisions (Chapter 5 - List Code Sections): _____
Mixed Occupancy: ☐ No ☐ Yes Separation: _____ Hr. Exception: _____
☐ Non-Separated Use (508.3)
☒ Separated Use (508.4) See below for area calculations for each story, the area of the occupancy shall be such that the sum of the ratios of the actual floor area of each use divided by the allowable floor area for each use shall not exceed 1.

$$\frac{\text{Actual Area of Occupancy A}}{\text{Allowable Area of Occupancy A}} + \frac{\text{Actual Area of Occupancy B}}{\text{Allowable Area of Occupancy B}} = \leq 1$$

$$\frac{972 \text{ SF}}{40500 \text{ SF}} + \frac{1728 \text{ SF}}{27000 \text{ SF}} + \dots = 0.088 \leq 1$$

STORY #	DESCRIPTION AND USE	(A) BLDG. AREA PER STORY (ACTUAL)	(B) TABLE 506.2.4 AREA	(C) ALLOWABLE AREA PER FRONTAGE INCREASE ^{1,5}	(D) ALLOWABLE AREA PER STORY OR UNLIMITED ^{2,3}
1	S-2	972 SF	40500 SF		18,000 SF
2	B	864 SF	27000 SF		27000 SF
3	B	864 SF	27000 SF		27000 SF
Building Area		2700 SF SF	Maximum Allowable Building Area	N/A	

- ¹ Frontage area increases from Section 506.3 are computed thus:
 a. Perimeter which fronts a public way or open space having 20 feet minimum width = _____ (F)
 b. Total Building Perimeter = _____ (P)
 c. Ratio (F/P) = _____ (F/P)
 d. W = Minimum width of public way = _____ (W)
 e. Percent of frontage increase If = 100 [F/P - 0.25] x W/30 = _____ (%)

² Unlimited area applicable under conditions of Section 507.

³ Maximum Building Area = total number of stories in the building x D (maximum 3 stories)(506.2).

⁴ The maximum area of open parking garages must comply with Table 406.5.4.

⁵ Frontage increase is based on the unsprinklered area value in Table 506.2.

ALLOWABLE HEIGHT			
	ALLOWABLE	SHOWN ON PLANS	CODE REFERENCE ¹
Building Height in Feet (Table 504.3) ²	60'	35'	
Building Height in Stories (Table 504.4) ³	4 (4)	3(3)	S-2 (B)

1. Provide code reference if the "Shown on Plans" quantity is not based on Table 504.3 or 504.4.
 2. The maximum height of air traffic control towers must comply with Table 412.3.1.
 3. Then maximum height of open parking garages must comply with Table 406.5.4.

PERCENTAGE OF WALL OPENING CALCULATIONS				
WALL	FIRE SEPARATION DISTANCE FROM PROPERTY LINES (FEET)	DEGREE OF OPENINGS PROTECTION (TABLE 705.8)	ALLOWABLE AREA (%)	ACTUAL SHOWN ON PLANS (%)
NORTH	>30 FT	UP, S	UL %	
EAST	>30 FT	UP, S	UL %	
SOUTH	>30 FT	UP, S	UL %	
WEST	>30 FT	UP, S	UL %	

FIRE PROTECTION REQUIREMENTS							
BUILDING ELEMENT	FIRE SEPARATION DISTANCE (FEET)	RATING REQ'D	PROVIDED (W/_____* REDUCTION)	DETAIL# AND SHEET#	DESIGN# FOR RATED ASSEMBLY	SHEET# FOR RATED PENETRATION	SHEET# FOR RATED JOINTS
Structural frame, including columns, girders, & trusses		0					
Bearing walls							
Exterior							
North		0					
East		0					
West		0					
South		0					
Interior		0					
Nonbearing walls and partitions							
Exterior walls							
North		0					
East		0					
West		0					
South		0					
Interior walls and partitions		0					
Floor construction							
Including supporting beams and joists		0					
Floor Ceiling Assembly		0					
Columns Supporting Floors		0					
Roof Construction, including supporting beams and joists		0					
Roof Ceiling Assembly		0					
Columns Supporting Roof		0					
Shafts Enclosures - Exit							
Shafts Enclosures - Other							
Corridor Separation							
Occupancy/ Fire Barrier Separation	1	1					
Party/Fire Wall Separation							
Smoke Barrier Separation							
Smoke Partition							
Tenant/Dwelling Unit/ Sleeping Unit Separation							
Incidental Use Separation							

* Indicate section number permitting reduction

LIFE SAFETY SYSTEM REQUIREMENTS
 Emergency Lighting: ☐ No ☒ Yes
 Exit Signs: ☐ No ☒ Yes
 Fire Alarm: ☒ No ☐ Yes ☐ Partial _____
 Smoke Detection Systems: ☐ No ☒ Yes
 Carbon Monoxide Detection: ☐ No ☒ Yes

LIFE SAFETY PLAN REQUIREMENTS
 Life Safety Plan Sheet #: A003
☐ Fire and/or smoke rated wall locations (Chapter 7)
☐ Assumed and real property line locations (if not on the site plan)
☐ Exterior wall opening area with respect to distance to assumed property lines (705.8)
☒ Occupancy Use for each area as it relates to occupant load calculations (Table 1004.1.2)
☒ Occupant loads for each area
☒ Exit access travel distances (1017)
☒ Common path of travel distances (1006.2.1 & 1006.3.2(1))
☒ Dead end lengths (1020.4)
☒ Clear exit widths for each exit door
☒ Maximum calculated occupant load capacity each exit door can accommodate based on egress width (1005.3)
☒ Actual occupant load for each exit door
☒ A separate schematic plan indicating where fire rated floor/ceiling and/or roof structure is provided for purposes of occupancy separation
☐ Location of doors with panic hardware (1010.1.10)
☐ Location of doors with delayed egress locks and the amount of delay (1010.1.9.7)
☐ Location of doors with electromagnetic egress locks (1010.1.9.9)
☐ Location of doors equipped with hold-open devices
☐ Location of emergency escape windows (1030)
☐ The square footage of each fire area (202)
☐ The square footage of each smoke compartment for Occupancy Classification 1-2 (407.5)
☐ Note any code exceptions or table notes that may have been utilized regarding the items above

ACCESSIBLE DWELLING UNITS (SECTION 1107)							
TOTAL UNITS	ACCESSIBLE UNITS REQUIRED	ACCESSIBLE UNITS PROVIDED	TYPE A UNITS REQUIRED	TYPE A UNITS PROVIDED	TYPE B UNITS REQUIRED	TYPE B UNITS PROVIDED	TOTAL ACCESSIBLE UNITS PROVIDED

ACCESSIBLE PARKING (SECTION 1106)							
LOT OR PARKING AREA	TOTAL # OF PARKING SPACES REQUIRED	# OF ACCESSIBLE SPACES PROVIDED	REGULAR WITH 5' ACCESS AISLE	VAN SPACES WITH 132" ACCESS AISLE	8' ACCESS AISLE	TOTAL # ACCESSIBLE PROVIDED	
TOTAL							

PLUMBING FIXTURE REQUIREMENTS (TABLE 2902.1) (A-2 ONLY)									
USE	WATERCLOSETS	URINALS	LAVATORIES	SHOWERS	DRINKING FOUNTAINS				
SPACE	MALE/FEMALE	UNISEX	MALE/FEMALE	UNISEX	/TUBS	REGULAR	ACCESSIBLE		
EXIST'G									
NEW		1				1			
REQ'D		1				1			

SPECIAL APPROVALS
Special approval: (Local Jurisdiction, Department of Insurance, OSC, DPI, DHHA, etc., describe below)

ENERGY SUMMARY

ENERGY REQUIREMENTS:
 The following data shall be considered minimum and any special attribute required to meet the energy code shall also be provided. Each Designer shall furnish the required portions of the project information for the plan data sheet. If performance method, state the annual energy cost for the standard reference design vs annual energy cost for the proposed design.

Existing building envelope complies with code: ☐ (If checked the remainder of this section is not applicable.)

Exempt Building: ☐ Provide code or statutory reference: _____

Climate Zone: ☒ 3A ☐ 4A ☐ 5A

Method of Compliance:
 Energy Code ☐ Performance ☒ Prescriptive
 ASHRAE 90.1 ☐ Performance ☐ Prescriptive
 Other ☐ Performance (specify source) _____

THERMAL ENVELOPE (Prescriptive method only)

Roof/Ceiling Assembly (each assembly)
 Description of assembly: ASPHALT SHINGLES, 30# ASPHALTIC FELT, 5/8" P.W. SHEATHING, WD TRUSSES, FBGLS. BATT INSUL., 1/2" G.W.B.
 U-Value of total assembly:
 R-Value of insulation: R-38
 Skylights in each assembly:
 U-Value of skylights:
 total s.f. of skylights in each assembly:

Exterior Walls (each assembly)
 Description of assembly: SIDING, 15# ASPHALTIC FELT, 1/2" P.W. SHEATHING, 2x6 WD. STUDS, FBGLS. BATT. INSUL., 1/2" G.W.B.
 U-Value of total assembly:
 R-Value of insulation: R-20
 Openings (windows or doors with glazing)
 U-Value of assembly:
 Solar heat gain coefficient:
 Projection factor:
 Door R-Values:

Walls below grade (each assembly)

Description of assembly:
 U-Value of total assembly:
 R-Value of insulation:
 R-Value of insulation:

Floors over unconditioned space (each assembly)

Description of assembly:
 U-Value of total assembly:
 R-Value of insulation:

Floors slab on grade 4" REINF. CONC.

Description of assembly:
 U-Value of total assembly:
 R-Value of insulation:
 Horizontal/vertical requirement:
 Slab heated: NO

STRUCTURAL DESIGN

DESIGN LOADS
Importance Factors: Wind (I_w) 1.0
 Snow (I_s) 1.0
 Seismic (I_e) 1.0
Live Loads: Roof 20 psf
 Mezzanine psf
 Floor 40 psf
Ground Snow Load: 10 psf
Wind Load: Basic Wind Speed 135 mph (ASCE-7)
 Exposure Category c

SEISMIC DESIGN CATEGORY:
 Provide the following Seismic Design Parameters:
Occupancy Category (Table 1604.5) ☐ A ☒ B ☐ C ☐ D
Spectral Response Acceleration S_s ☐ I ☒ II ☐ III ☐ IV %g
Site Classification (ASCE-7) ☐ A ☐ B ☐ C ☒ D ☐ E ☐ F %g
 Data Source: ☐ Field Test ☒ Presumptive ☐ Historical Data
Basic structural system (check one)
☒ Bearing wall ☐ Dual w/Special Moment Frame
☐ Building Frame ☐ Dual w/Intermediate R/C or Special Steel
☐ Moment Frame ☐ Inverted Pendulum
Analysis Procedure: ☐ Simplified ☒ Equivalent Lateral Force ☐ Dynamic
Architectural, Mechanical, Components anchored? ☒ Yes ☐ No

LATERAL DESIGN CONTROL: Earthquake ☐ Wind ☒

SOIL BEARING CAPACITIES:
 Field Test (provide copy of test report) _____ psf
 Presumptive Bearing capacity 1,500 psf
 Pile size, type, and capacity 8x8 4 tons

MECHANICAL SUMMARY

MECHANICAL SYSTEMS, SERVICE SYSTEMS AND EQUIPMENT

Thermal Zone
 winter dry bulb: _____
 summer dry bulb: _____

Interior design conditions
 winter dry bulb: _____
 summer dry bulb: _____
 relative humidity: _____

Building heating load: _____

Building cooling load: _____

Mechanical Spacing Conditioning System
 Unitary
 description of unit: _____
 heating efficiency: _____
 cooling efficiency: _____
 size category of unit: _____
 Boiler
 Size category. If oversized, state reason.: _____
 Chiller
 Size category. If oversized, state reason.: _____

List equipment efficiencies: _____

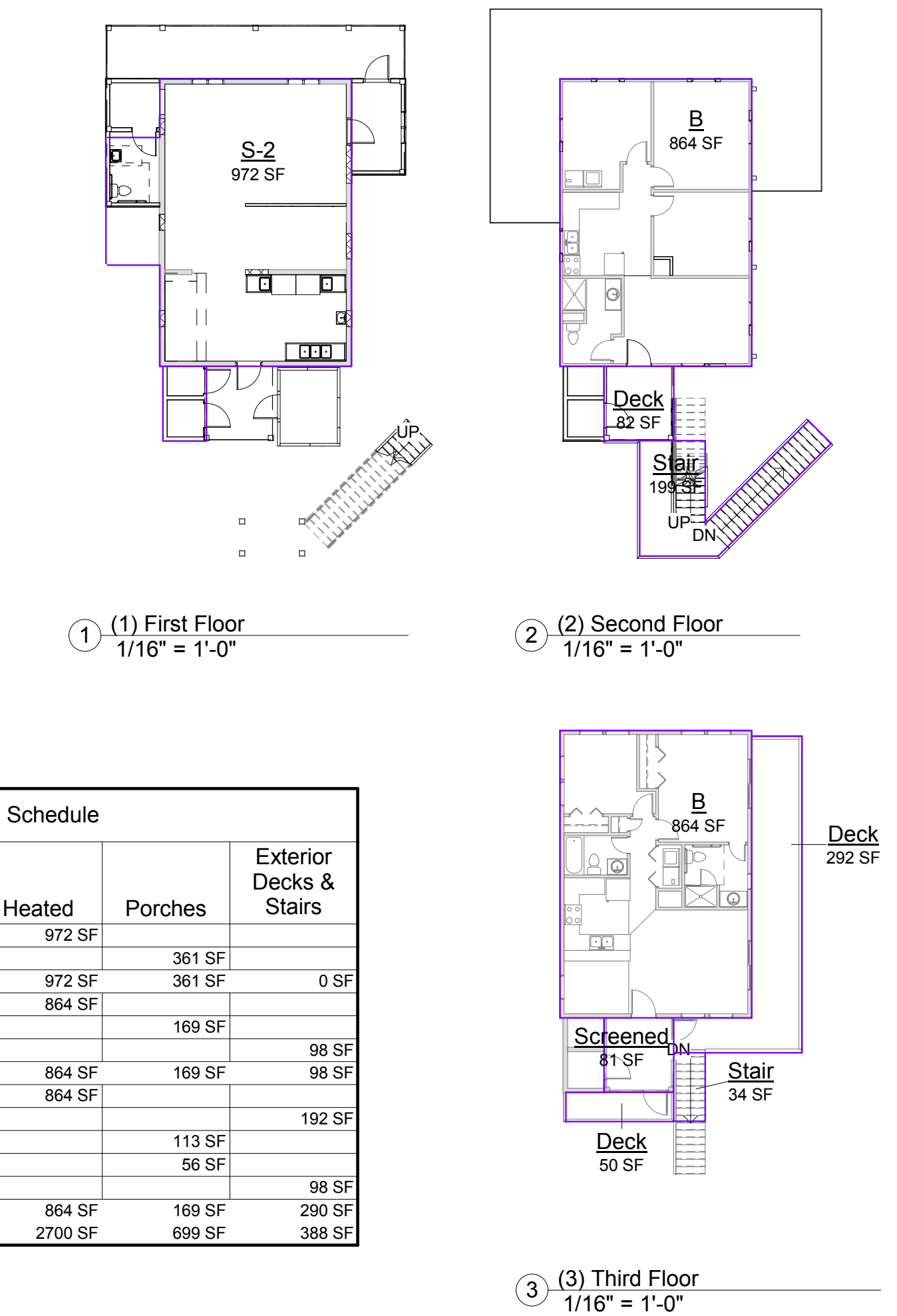
ELECTRICAL SUMMARY

ELECTRICAL SYSTEM AND EQUIPMENT

Method of Compliance:
 Energy Code: ☐ Prescriptive ☐ Performance
 ASHRAE 90.1: ☐ Prescriptive ☐ Performance

Lighting Schedule (each fixture type)
 lamp type required in fixture
 number of lamps in fixture
 ballast type used in the fixture
 number of ballasts in fixture
 total wattage per fixture
 total interior wattage specified vs. allowed (whole building or space by space)
 total exterior wattage specified vs. allowed

Additional Efficiency Package Options
 (When using the 2018 NCECC; not required for ASHRAE 90.1)
☐ C406.2 More Efficient HVAC Equipment Performance
☐ C406.3 Reduced Lighting Power Density
☐ C406.4 Enhanced Digital Lighting Controls
☐ C406.5 On-Site Renewable Energy
☐ C406.6 Dedicated Outdoor Air System
☐ C406.7 Reduced Energy Use in Service Water Heating



Area Schedule				
Name	Area Style	Heated	Porches	Exterior Decks & Stairs
S-2	Heated SF	972 SF		
Porch	Porch		361 SF	0 SF
B	Heated SF	864 SF		
Deck	Porch		169 SF	
Stair	Stair			98 SF
		864 SF	169 SF	98 SF
B	Heated SF	864 SF		
Deck	Decks			192 SF
Screened	Porch		113 SF	
Deck	Porch		56 SF	
Stair	Stair			98 SF
		864 SF	169 SF	290 SF
		2700 SF	699 SF	388 SF

cahoon+kasten
 ARCHITECTS

118 West Woodhill Drive
 Nags Head, North Carolina 27959
 P. 252.441.0271 F. 252.441.8724
 E. office@obxarchitects.com

Project: **Phase 11**

Project No: **20042**

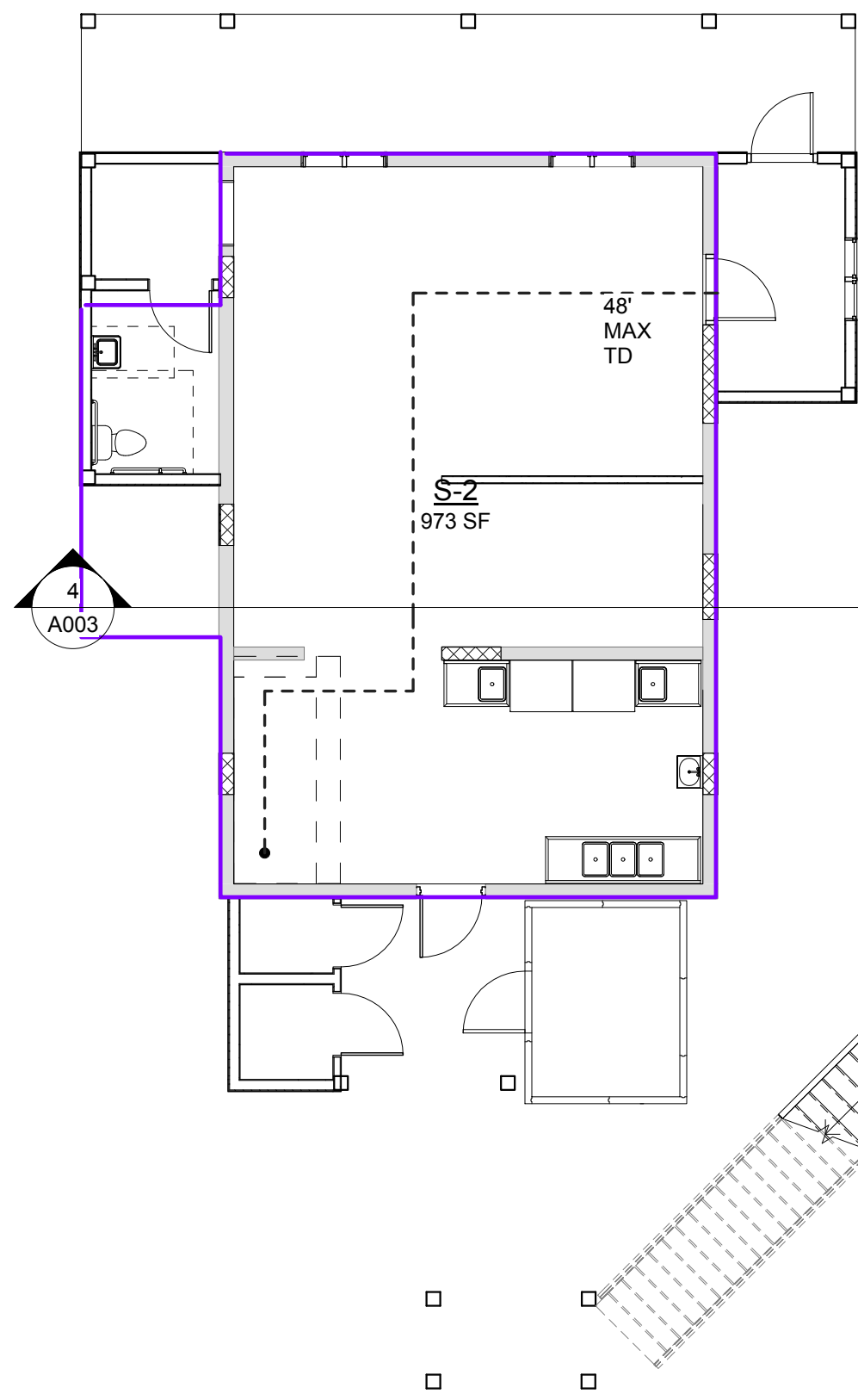
Location: **1099 Ocean Trail**
Corolla, NC 27927

Title: **Appendix B**

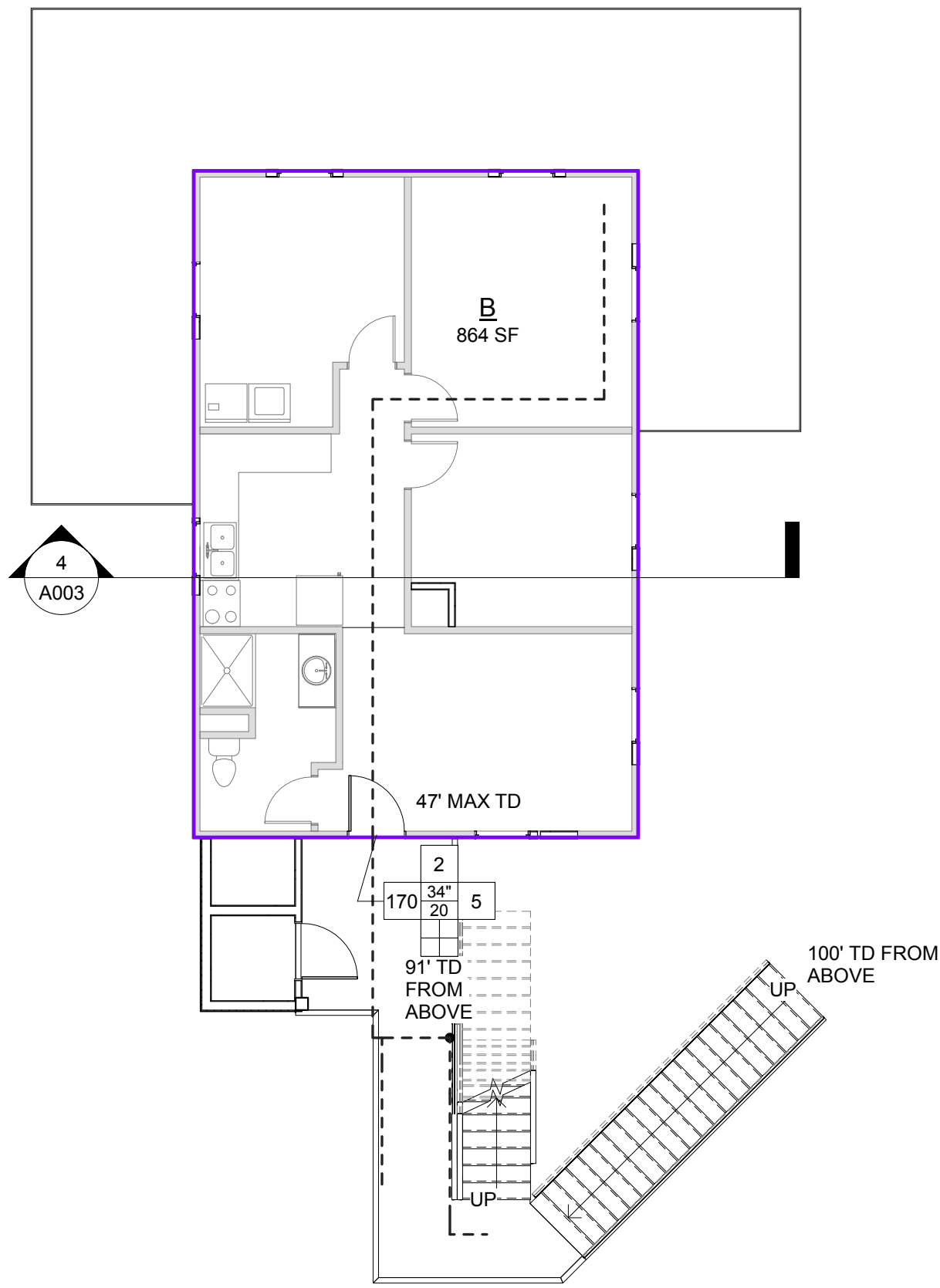
Date: **October 13, 2020**

Scale: **1/16" = 1'-0"**

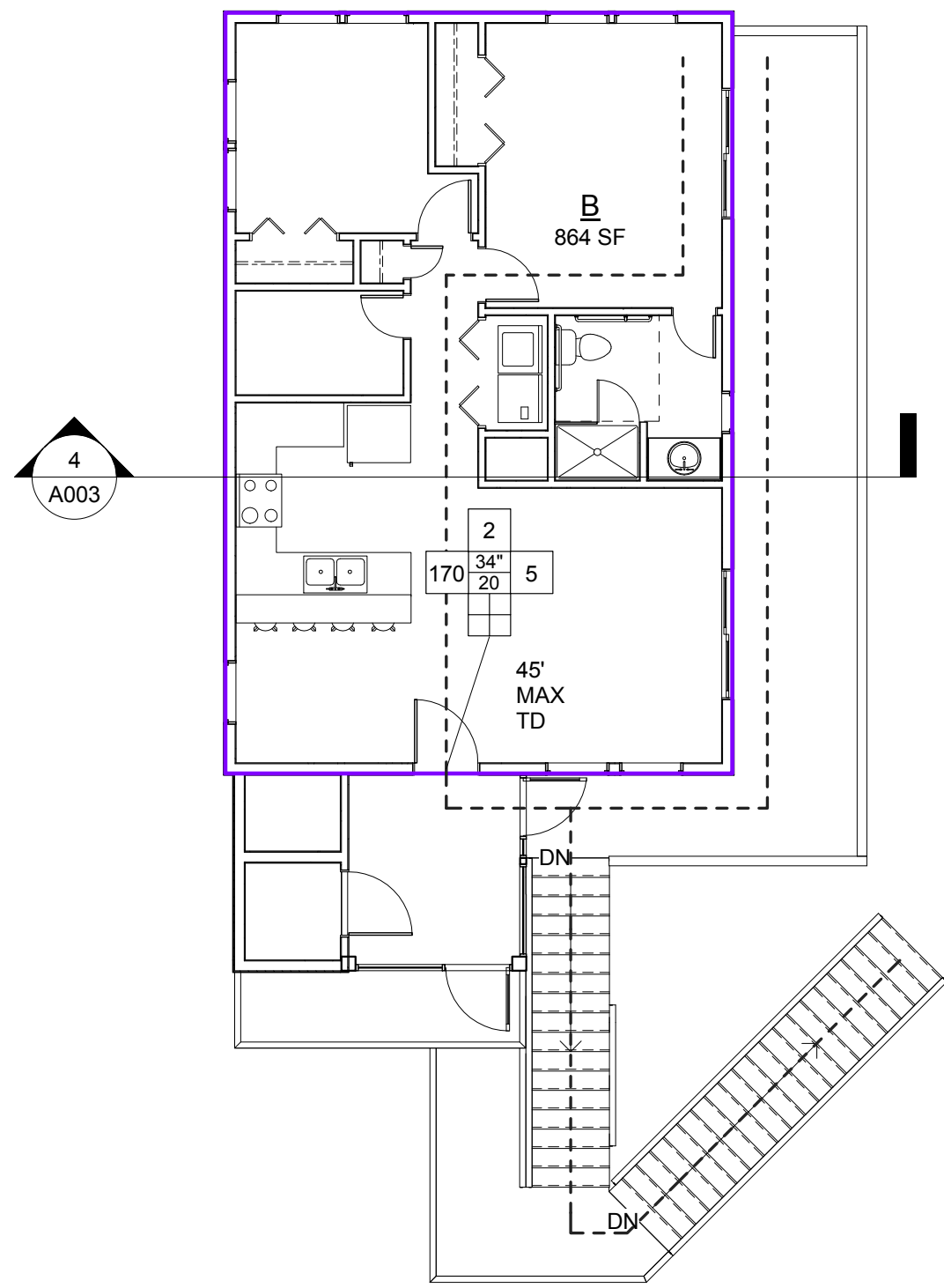
The designer shall not be responsible for any error,



1 (1) First Floor
1/8" = 1'-0"

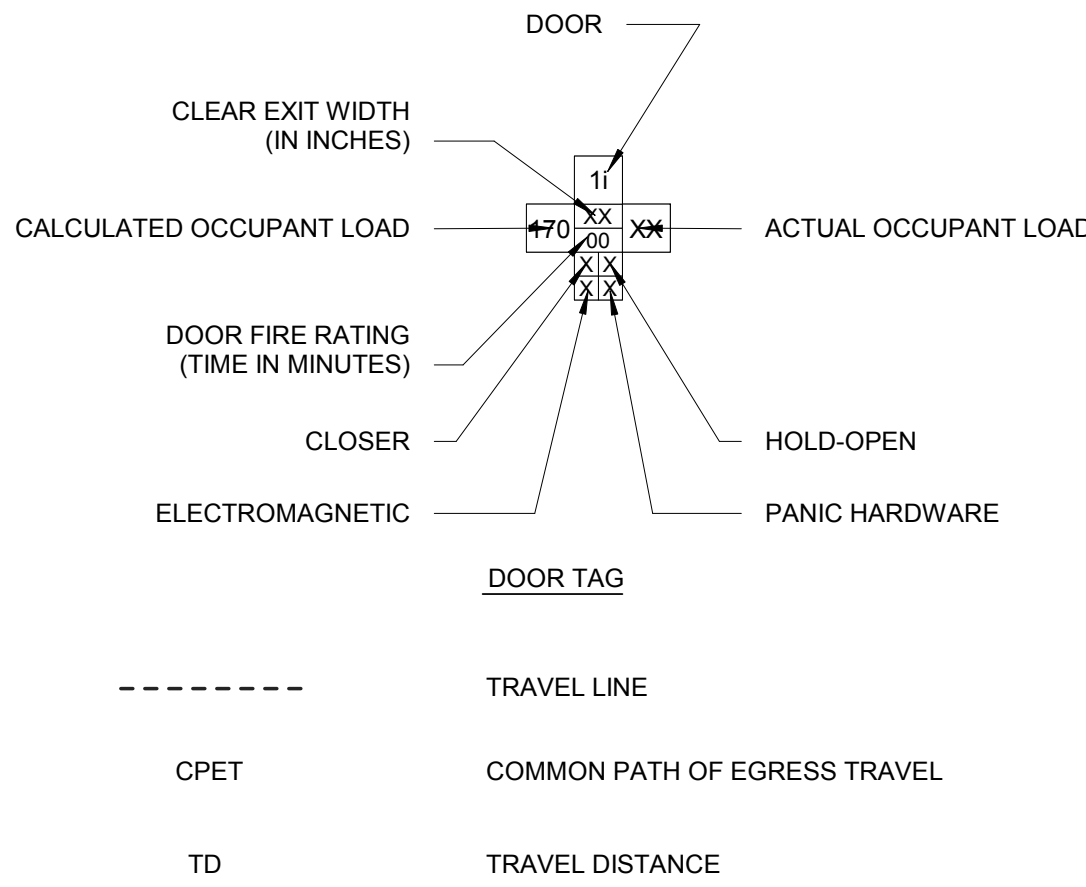


2 (2) Second Floor
1/8" = 1'-0"



3 (3) Third Floor
1/8" = 1'-0"

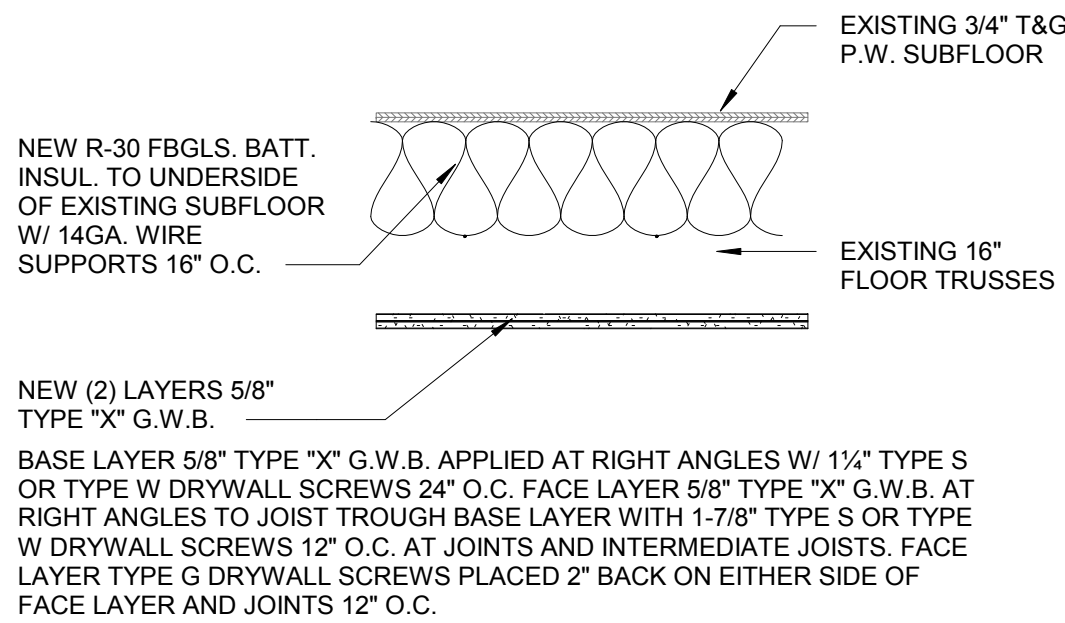
Occupant Schedule						
Number	Name	Area	Occupancy	Occupancy S.F. Type	Area Per Occupant	Occupants
1	S-2	973 SF	Warehouses	Gross	500 SF	2
3	B	864 SF	Business Areas	Gross	100 SF	9
4	B	864 SF	Business Areas	Gross	100 SF	9
Grand total: 3						



Life Safety Legend
1/4" = 1'-0"



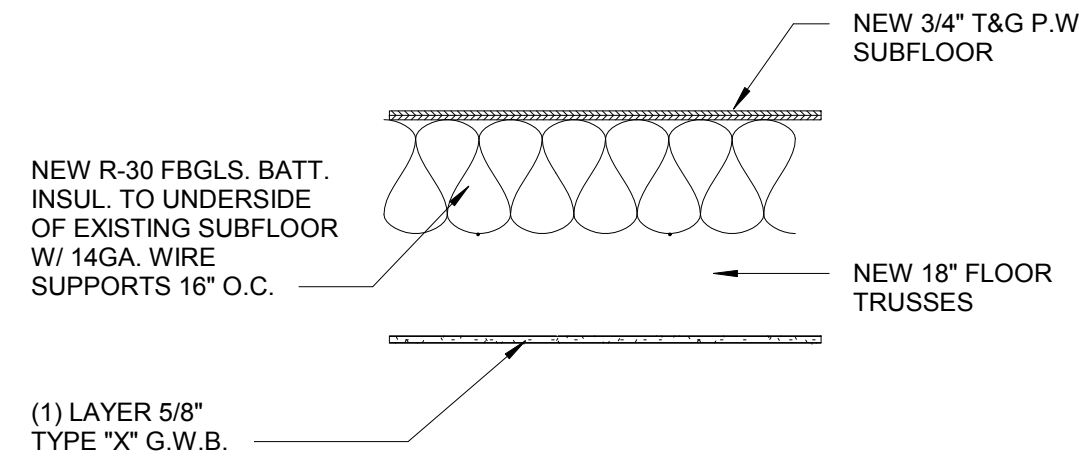
4 Life Safety Section
1/4" = 1'-0"



SECOND FLOOR SEPARATION BETWEEN S-2 AND B

FLOOR TYPE "A"

1 HR REF. NCBC 721.1 - 21-1.1



THIRD FLOOR SEPARATION

FLOOR TYPE "B"

40 MIN. PERSCRIPTIVE REF. NCBC 722.6

5 Floor Types
3/4" = 1'-0"

Project: Phase 11

Project No: 20042

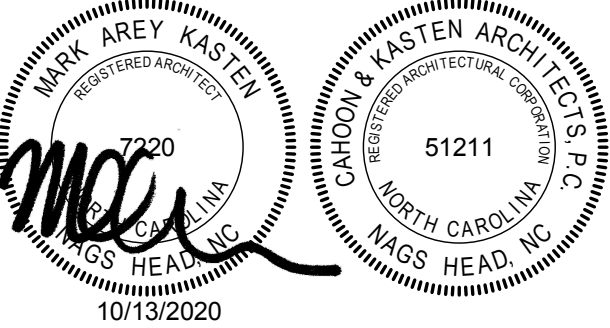
Location: 1099 Ocean Trail
Corolla, NC 27927

Title: Life Safety Plans

Date: October 13, 2020

Scale: As indicated

The designer shall not be responsible for any error, omission, defect or deficiency in the contract documents ("error") prepared by the designer or its consultants which in any way impacts the schedule of the project, results in a lack of coordination among the contract documents, delays the completion of the project or which in any other way causes any damage or loss to the owner, contractor, subcontractors, or other entity involved in the project, unless: (i) designer is promptly notified of such error, in any event within 14 days of the date such error was discovered or could reasonably have been discovered; and (ii) designer is given opportunity at the time of discovery to address such error, and, if appropriate, take such steps as are necessary to correct and resolve it. Failure to comply with the provisions of this paragraph shall constitute a waiver of any claim for damages, or a right to offset against designer by owner, contractor or others and shall in no event cause or allow a reduction in the fees otherwise due designer for services provided on the project.



Revisions:

No.	Description	Date

Designed: MAK
Drawn: MAK, JPB
Reviewed:
Cad File:

A003

Project: **Phase 11**

Project No: **20042**

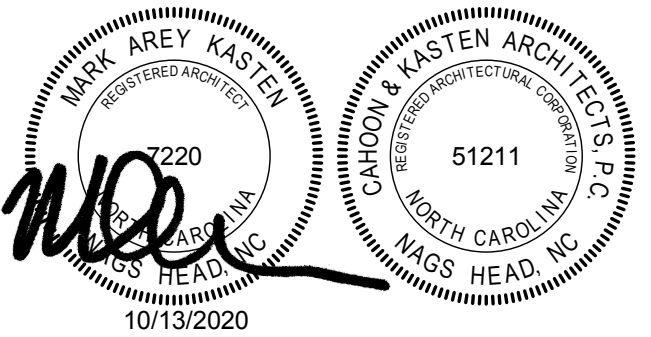
Location: **1099 Ocean Trail
Corolla, NC 27927**

Title: **First Floor Plan & Toilet
Elevations**

Date: **October 13, 2020**

Scale: **As indicated**

The designer shall not be responsible for any error, omission, defect or deficiency in the contract documents ("error") prepared by the designer or its consultants which in any way impacts the schedule of the project, results in a lack of coordination among the contract documents, delays the completion of the project or which in any other way causes any damage or loss to the owner, contractor, subcontractors, or other entity involved in the project, unless: (i) designer is promptly notified of such error, in any event within 14 days of the date such error was discovered or could reasonably have been discovered; and (ii) designer is given opportunity at the time of discovery to address such error, and, if appropriate, take such steps as are necessary to correct and resolve it. Failure to comply with the provisions of this paragraph shall constitute a waiver of any claim for damages, or a right to offset against designer by owner, contractor or others and shall in no event cause or allow a reduction in the fees otherwise due designer for services provided on the project.

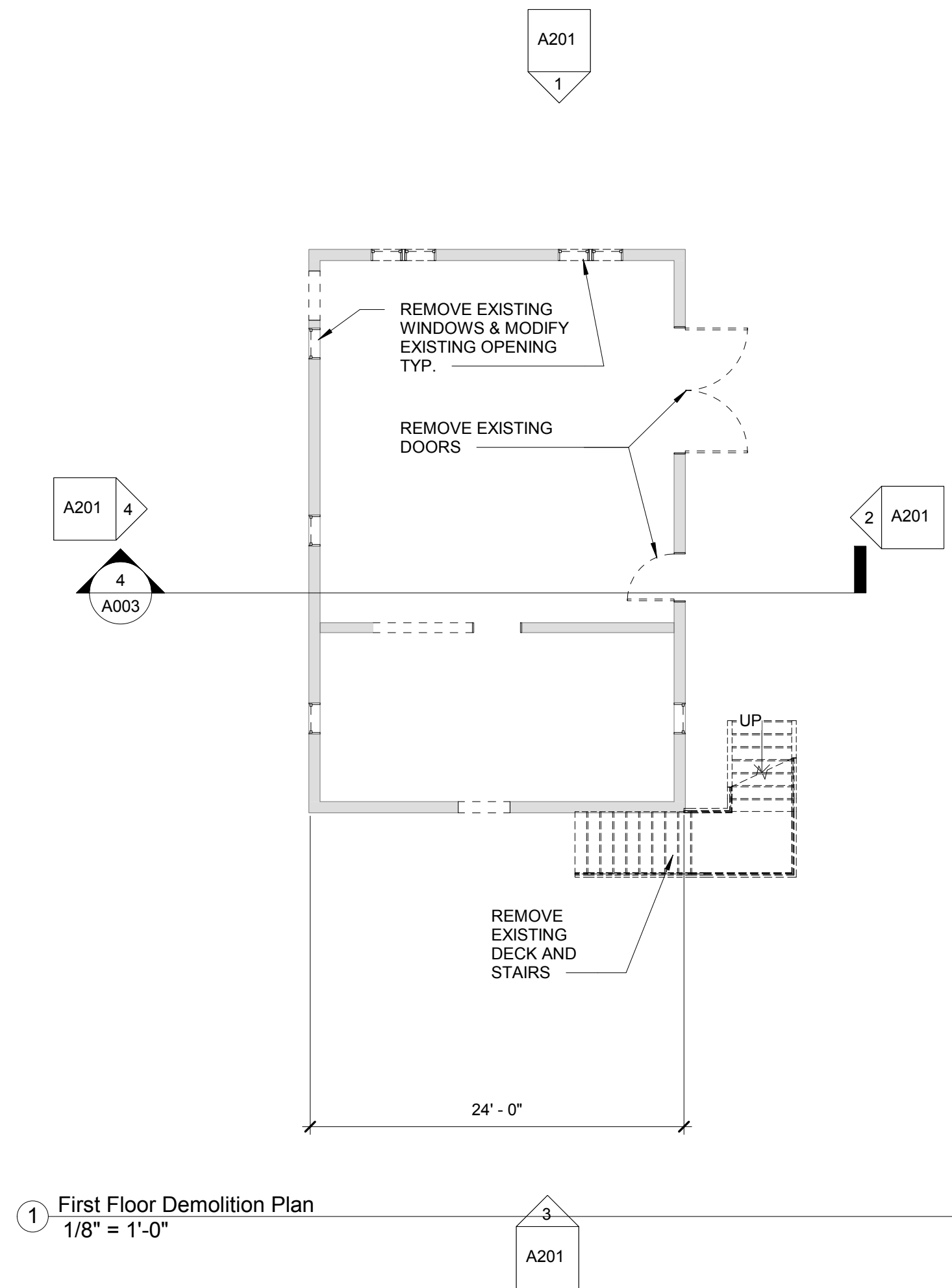


Revisions:

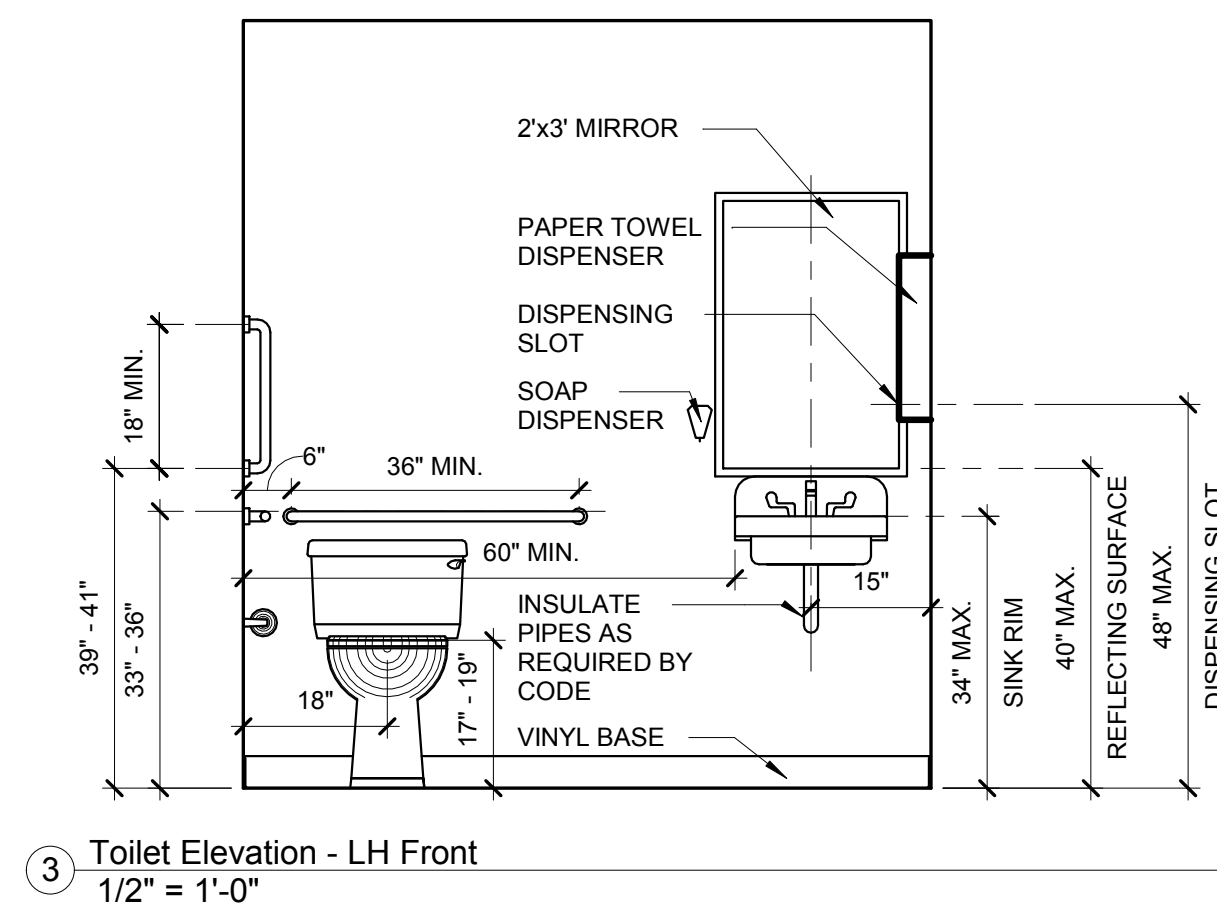
No.	Description	Date

Designed: MAK
Drawn: MAK, JPB
Reviewed:
Cad File:

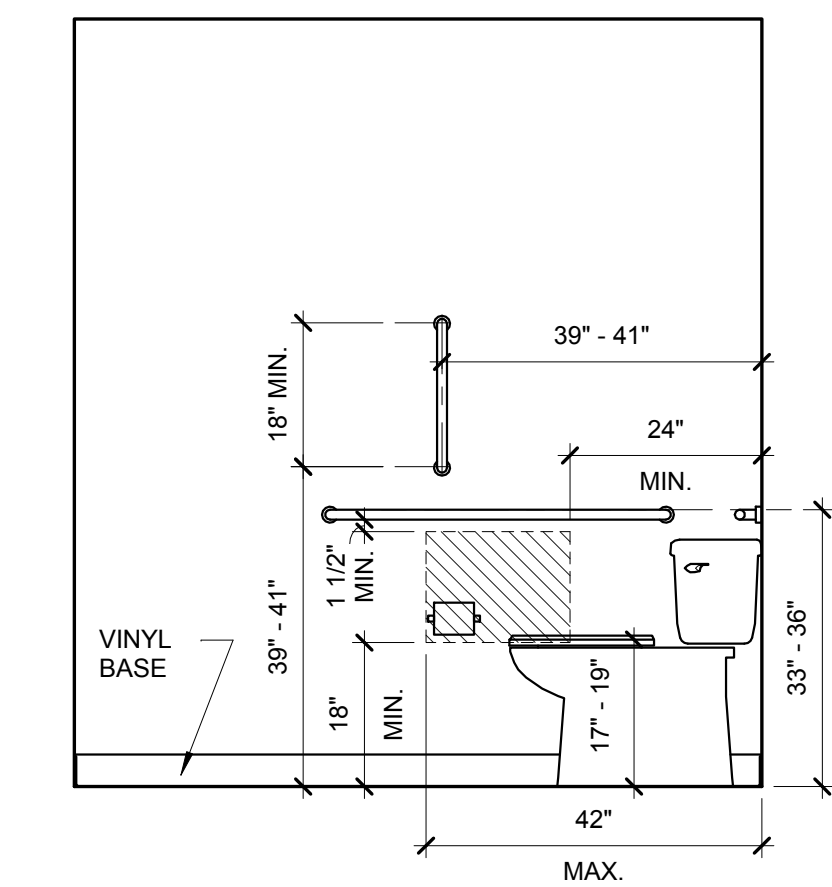
A101



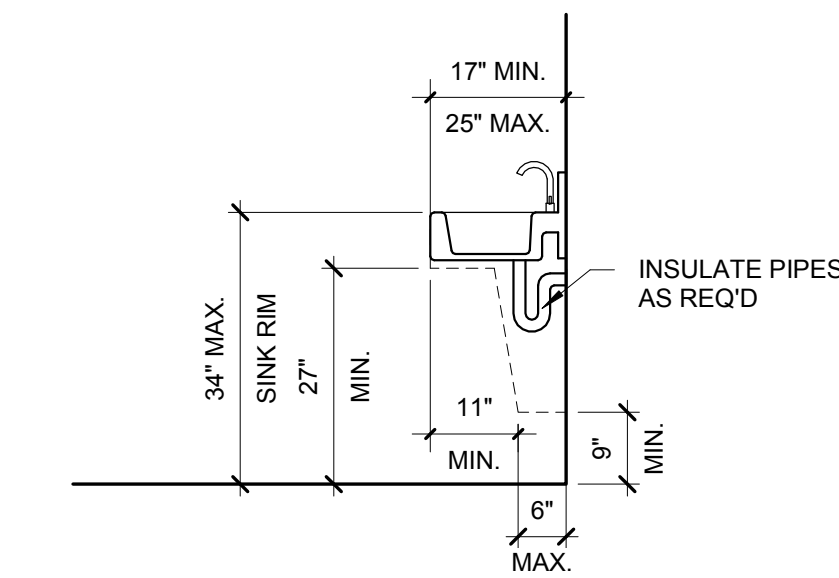
1 First Floor Demolition Plan
1/8" = 1'-0"



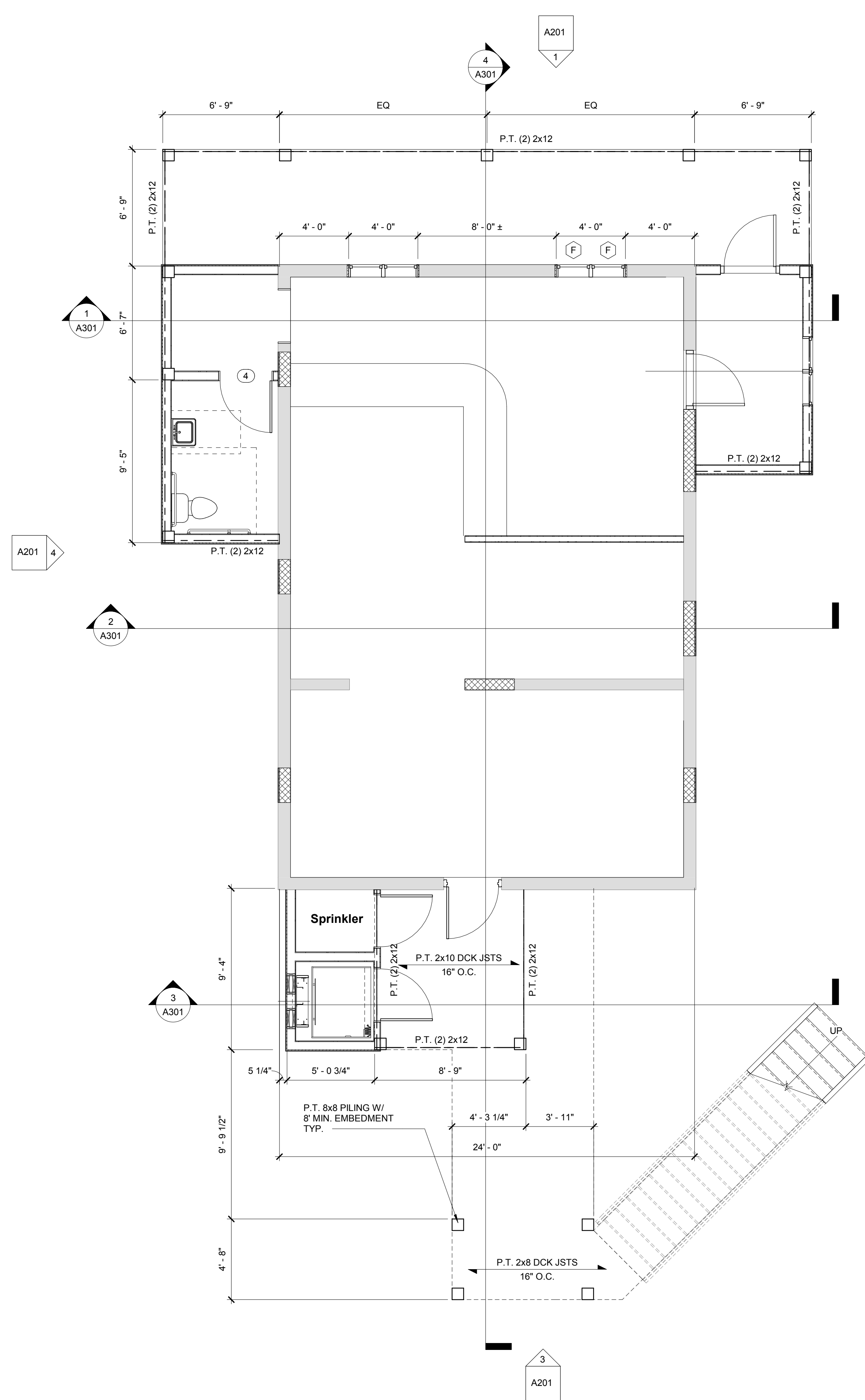
3 Toilet Elevation - LH Front
1/2" = 1'-0"



4 Toilet Elevation - LH Side
1/2" = 1'-0"



5 Sink Detail - Wall Hung
1/2" = 1'-0"



2 First Floor Plan
1/4" = 1'-0"

Project: Phase 11

Project No: 20042

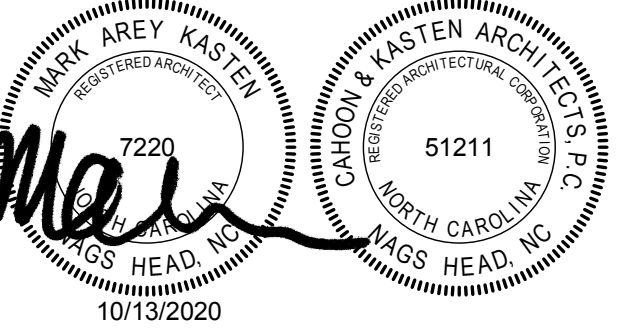
Location: 1099 Ocean Trail
Corolla, NC 27927

Title: Second Floor Plan &
Schedules

Date: October 13, 2020

Scale: As indicated

The designer shall not be responsible for any error, omission, defect or deficiency in the contract documents ("error") prepared by the designer or its consultants which in any way impacts the schedule of the project, results in a lack of coordination among the contract documents, delays the completion of the project or which in any other way causes any damage or loss to the owner, contractor, subcontractors, or other entity involved in the project, unless: (i) designer is promptly notified of such error, in any event within 14 days of the date such error was discovered or could reasonably have been discovered; and (ii) designer is given opportunity at the time of discovery to address such error, and, if appropriate, take such steps as are necessary to correct and resolve it. Failure to comply with the provisions of this paragraph shall constitute a waiver of any claim for damages, or a right to offset against designer by owner, contractor or others and shall in no event cause or allow a reduction in the fees otherwise due designer for services provided on the project.

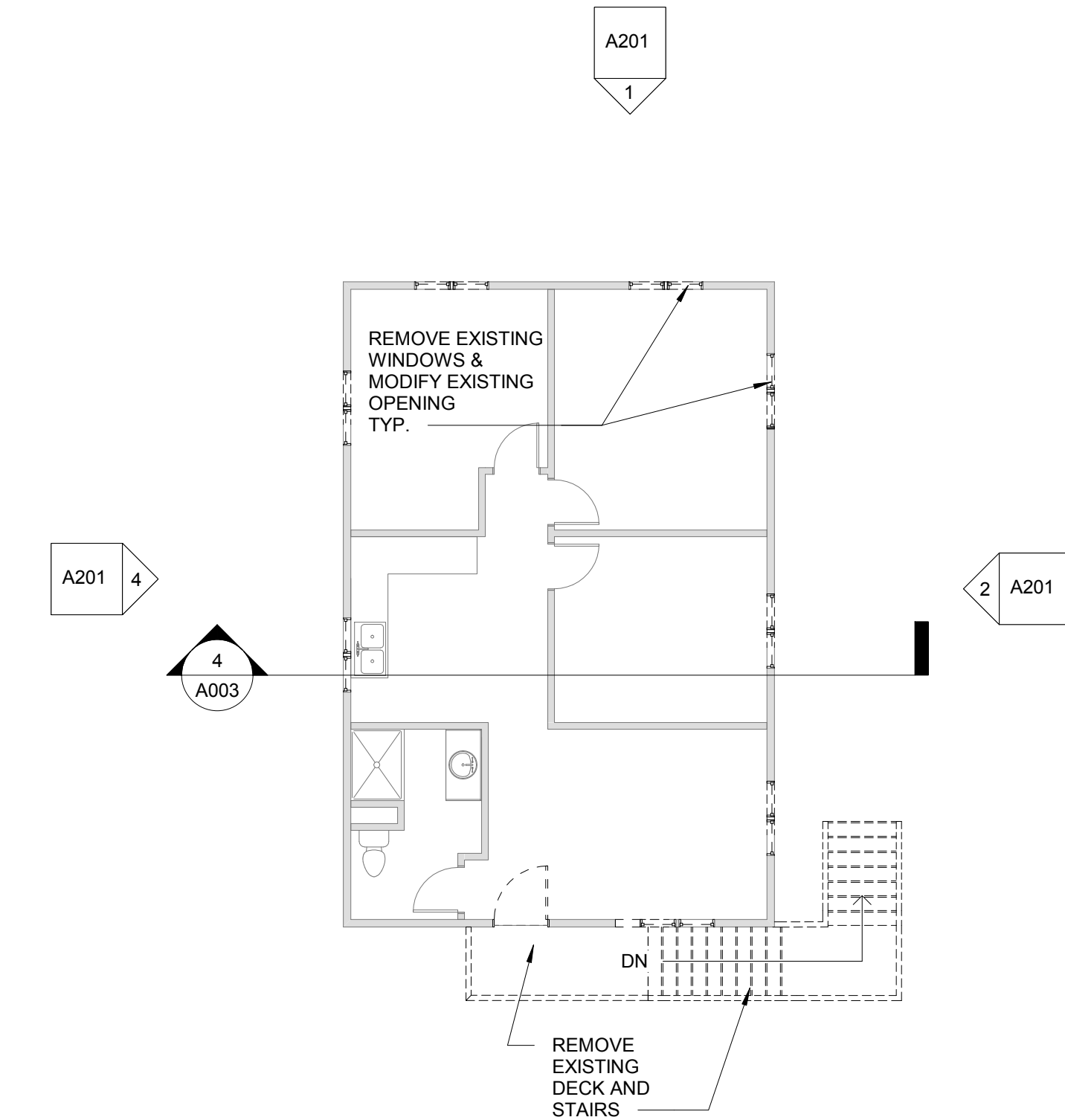


Revisions:

No.	Description	Date

Designed: MAK
Drawn: MAK, JPB
Reviewed:
Cad File:

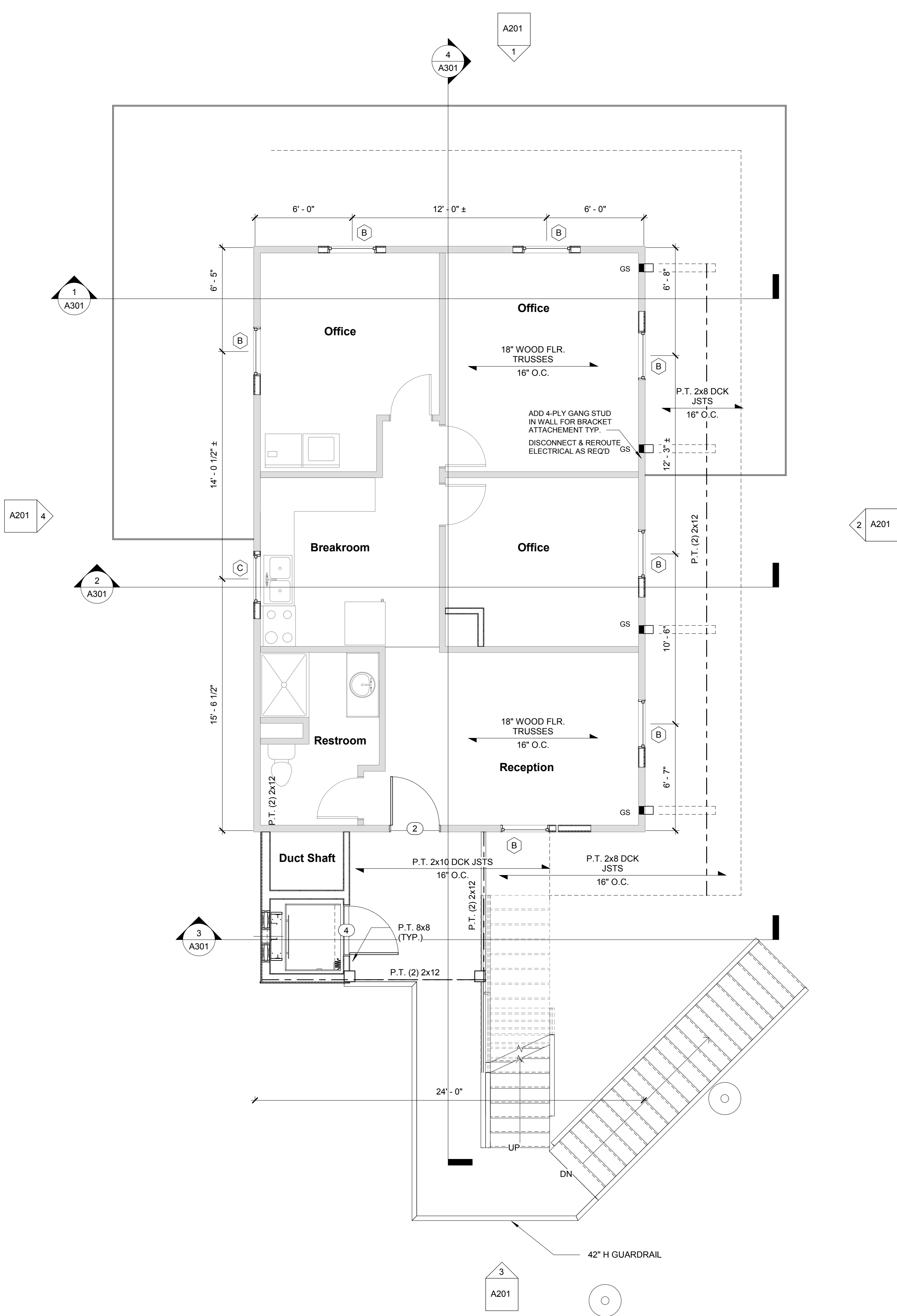
A102



① (2) Second Floor Demolition Plan
1/8" = 1'-0"

Door Schedule Res				
Mark	Door Style	Door		Comments
		Width	Height	
2	Single, Entry	3' - 0"	6' - 8"	20 min
3	Exterior Sliding	6' - 0"	6' - 8"	
4		3' - 0"	6' - 8"	
5	Single	2' - 6"	6' - 8"	
6	Single	2' - 0"	6' - 8"	
7	Single	1' - 6"	6' - 8"	
8	Double	5' - 0"	6' - 8"	
9	Double	4' - 0"	6' - 8"	

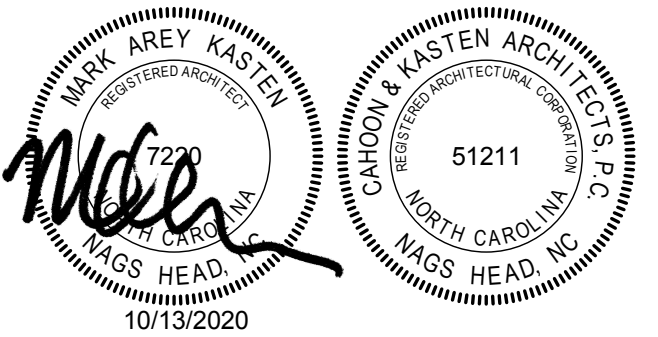
Window Schedule							
Type Mark	Model	Type	Manufacturer	R.O.	R.O.	Head	Comments
				Width	Height	Height	
67	Double Hung	24" x 60"	TBD	2' - 1"	5' - 1"	7' - 0"	
B	Double Hung	36" x 60"	TBD	3' - 1"	5' - 1"	6' - 8"	
C	Double Hung	36" x 36"	TBD	3' - 1"	3' - 1"	6' - 8"	
D	Double Hung	24" x 36"	TBD	2' - 1"	3' - 1"	6' - 8"	
E	Fixed	36" x 36"	TBD	3' - 1"	3' - 1"	6' - 8"	
F	Double Hung	24" x 72"	TBD	2' - 1"	6' - 1"	8' - 0"	



② Second Floor Plan
1/4" = 1'-0"

Project:	Phase 11
Project No:	20042
Location:	1099 Ocean Trail Corolla, NC 27927
Title:	Roof Plan
Date:	October 13, 2020
Scale:	1/4" = 1'-0"

The designer shall not be responsible for any error, omission, defect or deficiency in the contract documents ("Error") prepared by the designer or its consultants which in any way impacts the schedule of the project, results in a lack of coordination among the contract documents, delays the completion of the project or causes any other cost or schedule impact to be incurred by the owner, contractor, subcontractors, or other entity involved in the project, unless: (i) designer is promptly notified of such error, in any event within 14 days of the date such error was discovered or could reasonably have been discovered, and (ii) designer is given written notice at the time of such notification of such error, and, if appropriate, take such steps as are necessary to correct and resolve it. Failure to comply with the provisions of this paragraph shall constitute a waiver of any claim for damages, or a right to assert against designer by owner, contractor or others and shall constitute a release of the designer from fees otherwise due designer for services provided on the project.

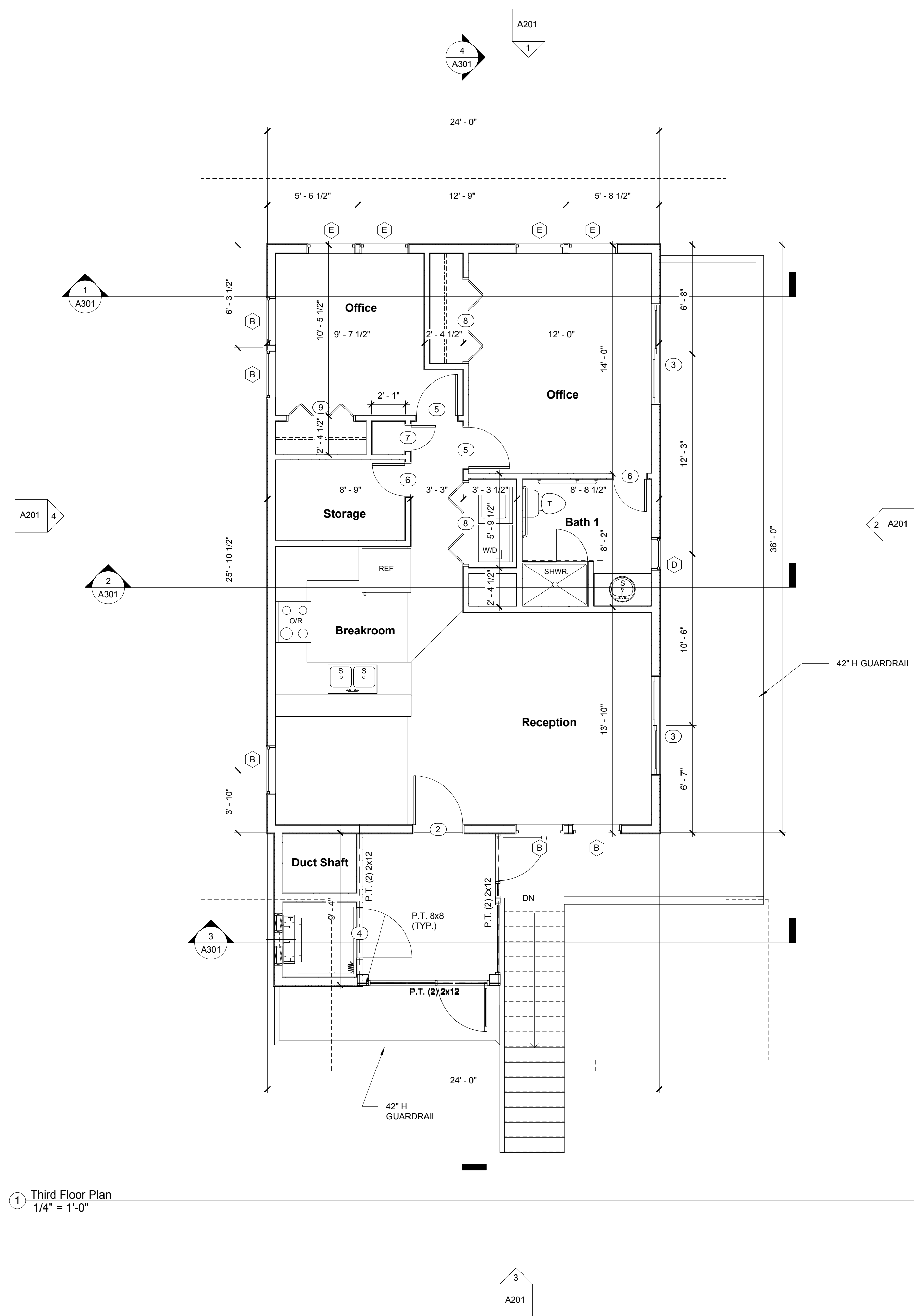


Revisions:

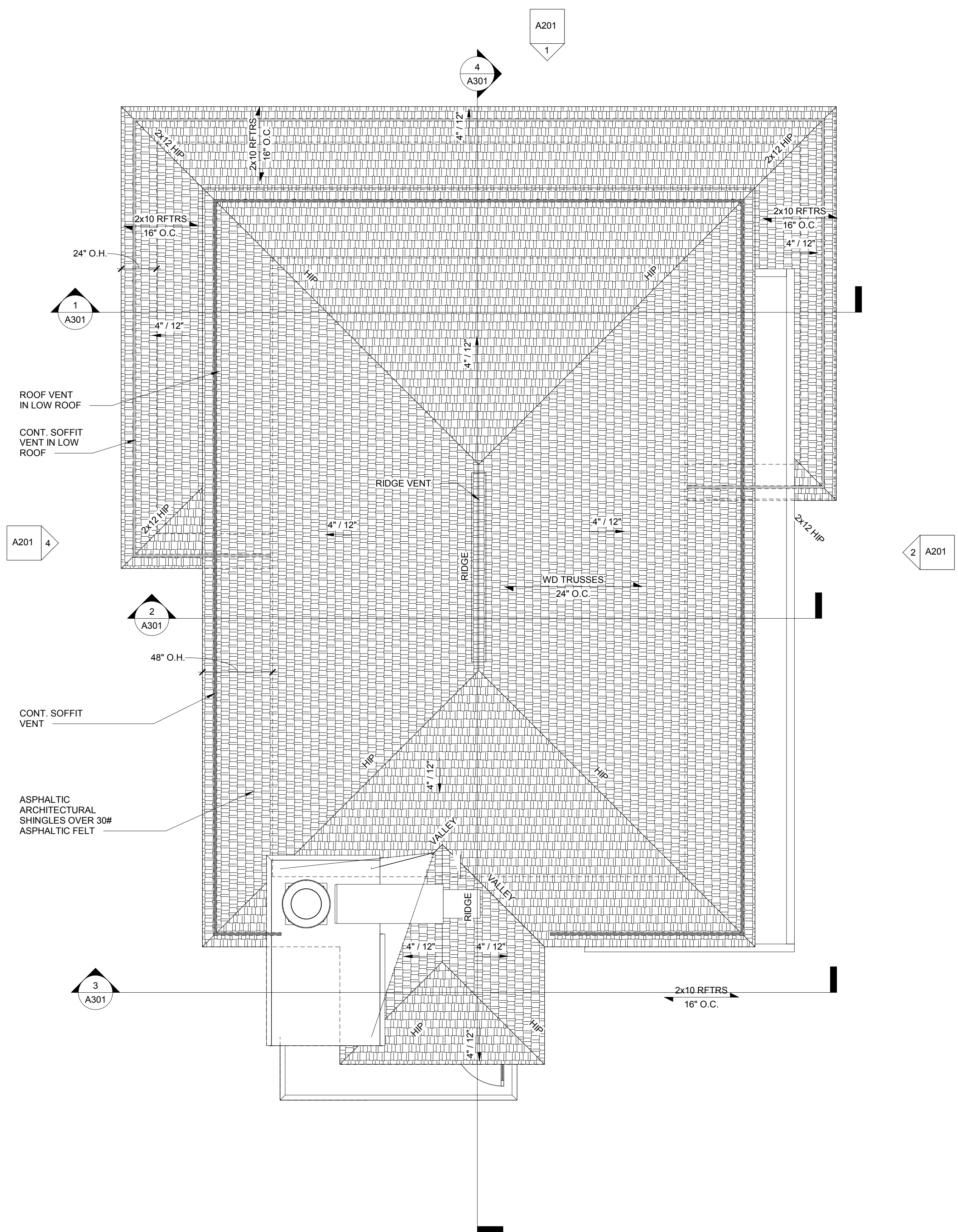
[illegible]

Designed: MAK
Drawn: MAK, JPB
Reviewed:
Cad File:

A103



1 Third Floor Plan
1/4" = 1'-0"



2 Roof Plan
1/4" = 1'-0"

ROOF VENTING CALCS.	
<u>UPPER ROOF</u>	<u>LOWER ROOF</u>
864 SF ROOF AREA OVER HEATED @ 1/300 =	108 SF ROOF AREA OVER HEATED @ 1/300 =
415 SQ. IN. VENTING REQUIRED	53 SQ. IN. VENTING REQUIRED
860 SQ. IN. VENTING PROVIDED	177.5 SQ. IN. VENTING PROVIDED
EAVE (208 SQ. IN. REQ'D (50%)) 5 SQ. IN. PER LINEAR FOOT x 128 LINEAR FT. OF EAVE	EAVE (208 SQ. IN. REQ'D (50%)) 5 SQ. IN. PER LINEAR FOOT x 25.5 LINEAR FT. OF EAVE
640 SQ. IN. PROVIDED	127.5 SQ. IN. PROVIDED
UPPER THIRD OF ROOF (RIDGE) (208 SQ. IN. REQ'D (50%)) 20 SQ. IN. PER LINEAR FOOT x 11 LINEAR FT.	UPPER THIRD OF ROOF (RIDGE) (208 SQ. IN. REQ'D (50%)) 50 SQ. IN. PER VENT x 1 VENT
220 SQ. IN. PROVIDED	50 SQ. IN. PROVIDED



1 North Elevation
1/4" = 1'-0"

2 East Elevation
1/4" = 1'-0"

Building Height
35' - 0"

T.O.P. (3)
29' - 4"

(3) Third Floor
21' - 2 1/2"
T.O.P. (2)
19' - 7 3/4"

(2) Second Floor
11' - 6 1/4"
T.O.P. (1)
10' - 1 1/2"
T.O.P. Porch
8' - 6"

(1) First Floor
0' - 0"



3 South Elevation
1/4" = 1'-0"

4 West Elevation
1/4" = 1'-0"

Building Height
35' - 0"

T.O.P. (3)
29' - 4"

(3) Third Floor
21' - 2 1/2"
T.O.P. (2)
19' - 7 3/4"

(2) Second Floor
11' - 6 1/4"
T.O.P. (1)
10' - 1 1/2"
T.O.P. Porch
8' - 6"

(1) First Floor
0' - 0"

cahoon+kasten
ARCHITECTS

118 West Woodhill Drive
Nags Head, North Carolina 27959
P. 252.441.0271 F. 252.441.8724
E. office@obxarchitects.com

Project: Phase 11

Project No: 20042

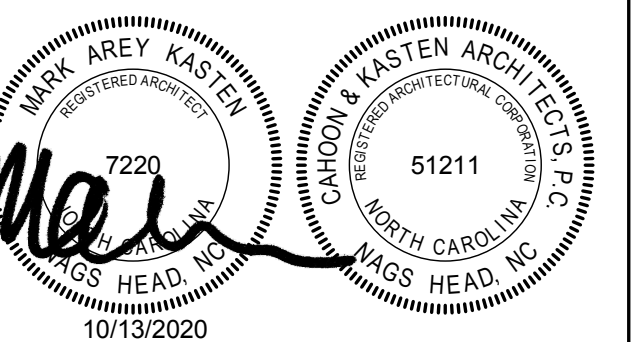
Location: 1099 Ocean Trail
Corolla, NC 27927

Title: Elevations

Date: October 13, 2020

Scale: 1/4" = 1'-0"

The designer shall not be responsible for any error, omission, defect or deficiency in the contract documents ("error") prepared by the designer or its consultants which in any way impacts the schedule of the project, results in a lack of coordination among the contract documents, delays the completion of the project or which in any other way causes any damage or loss to the owner, contractor, subcontractors, or other entity involved in the project, unless: (i) designer is promptly notified of such error, in any event within 14 days of the date such error was discovered or could reasonably have been discovered; and (ii) designer is given opportunity at the time of discovery to address such error, and, if appropriate, take such steps as are necessary to correct and resolve it. Failure to comply with the provisions of this paragraph shall constitute a waiver of any claim for damages, or a right to offset against designer by owner, contractor or others and shall in no event cause or allow a reduction in the fees otherwise due designer for services provided on the project.



Revisions:

No.	Description	Date

Designed: MAK
Drawn: MAK, JPB
Reviewed:
Cad File:

A201

② Typical Building Section
1/4" = 1'-0"

A301

Project: Phase 11

Project No: 20042

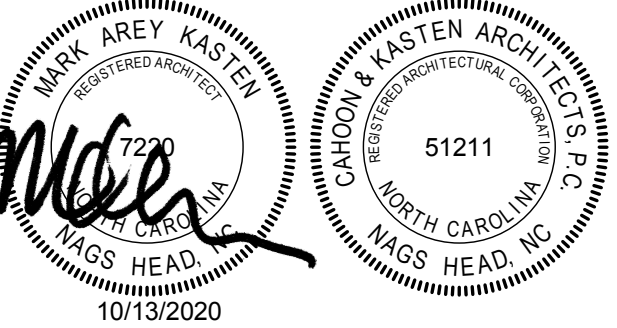
Location: 1099 Ocean Trail
Corolla, NC 27927

Title: Details

Date: October 13, 2020

Scale: As indicated

The designer shall not be responsible for any error, omission, defect or deficiency in the contract documents ("error") prepared by the designer or its consultants which in any way impacts the schedule of the project, results in a lack of coordination among the contract documents, delays the completion of the project or which in any other way causes any damage or loss to the owner, contractor, subcontractors, or other entity involved in the project, unless: (i) designer is promptly notified of such error, in any event within 14 days of the date such error was discovered or could reasonably have been discovered; and (ii) designer is given opportunity at the time of discovery to address such error, and, if appropriate, take such steps as are necessary to correct and resolve it. Failure to comply with the provisions of this paragraph shall constitute a waiver of any claim for damages, or a right to offset against designer by owner, contractor or others and shall in no event cause or allow a reduction in the fees otherwise due designer for services provided on the project.

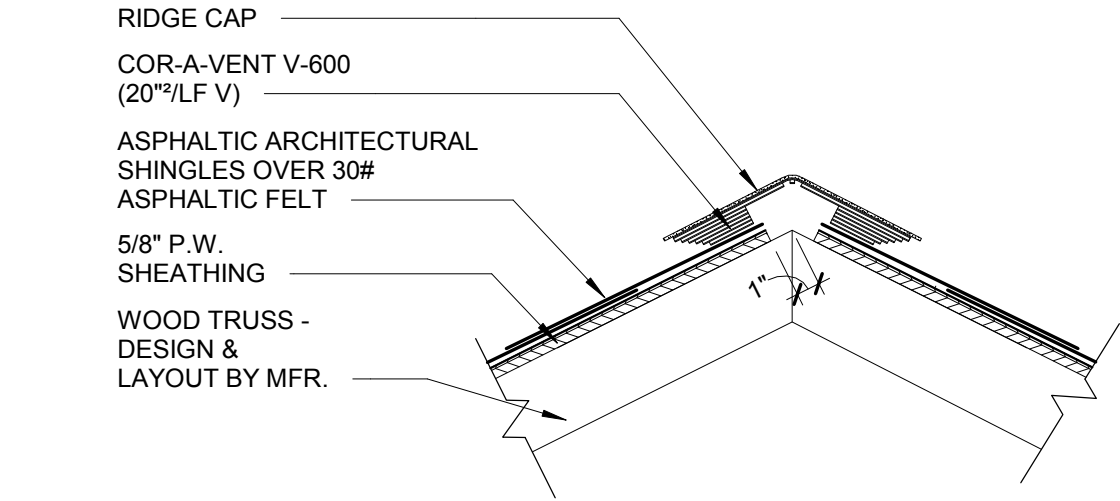


Revisions:

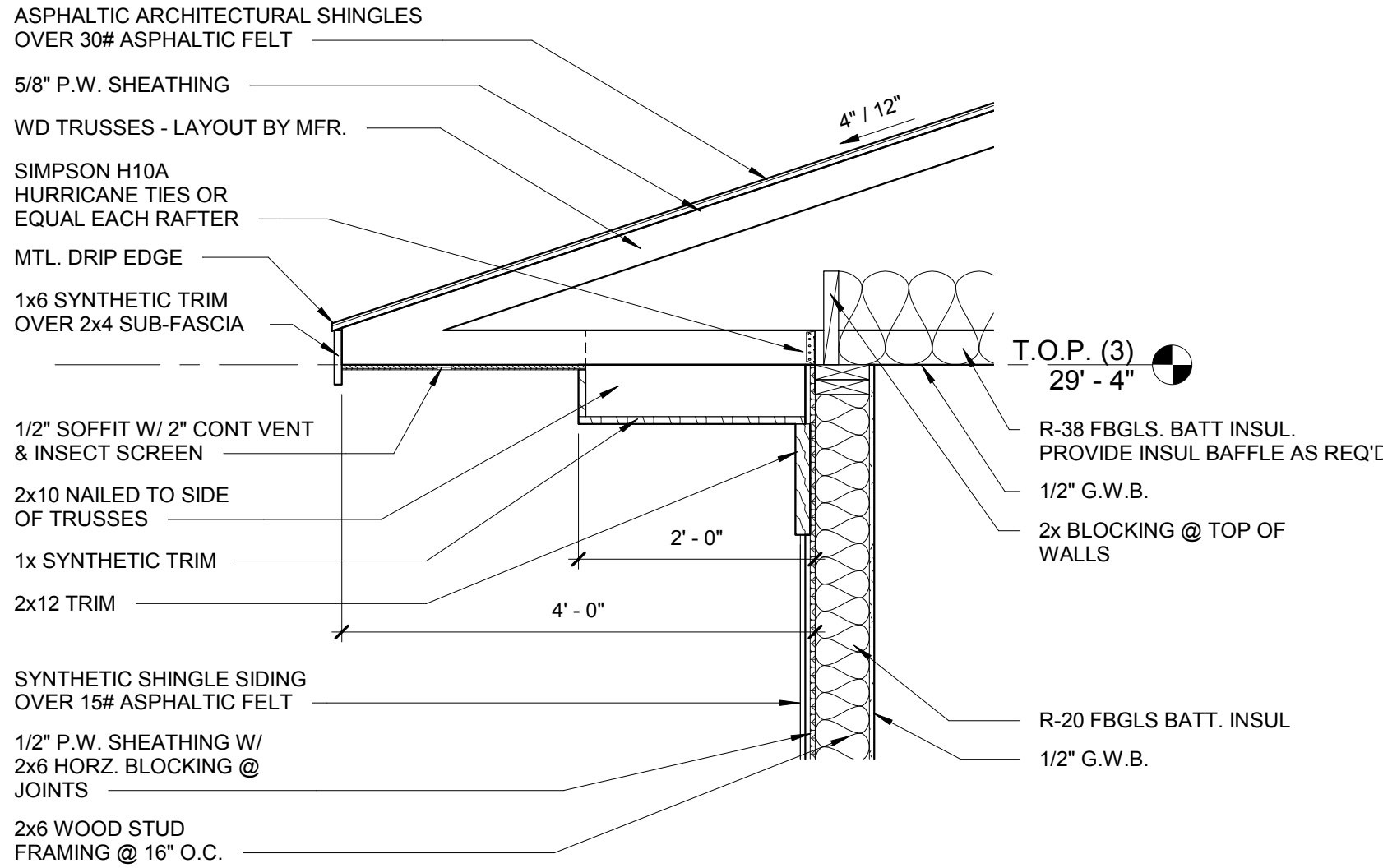
No.	Description	Date

Designed: MAK
Drawn: MAK, JPB
Reviewed:
Cad File:

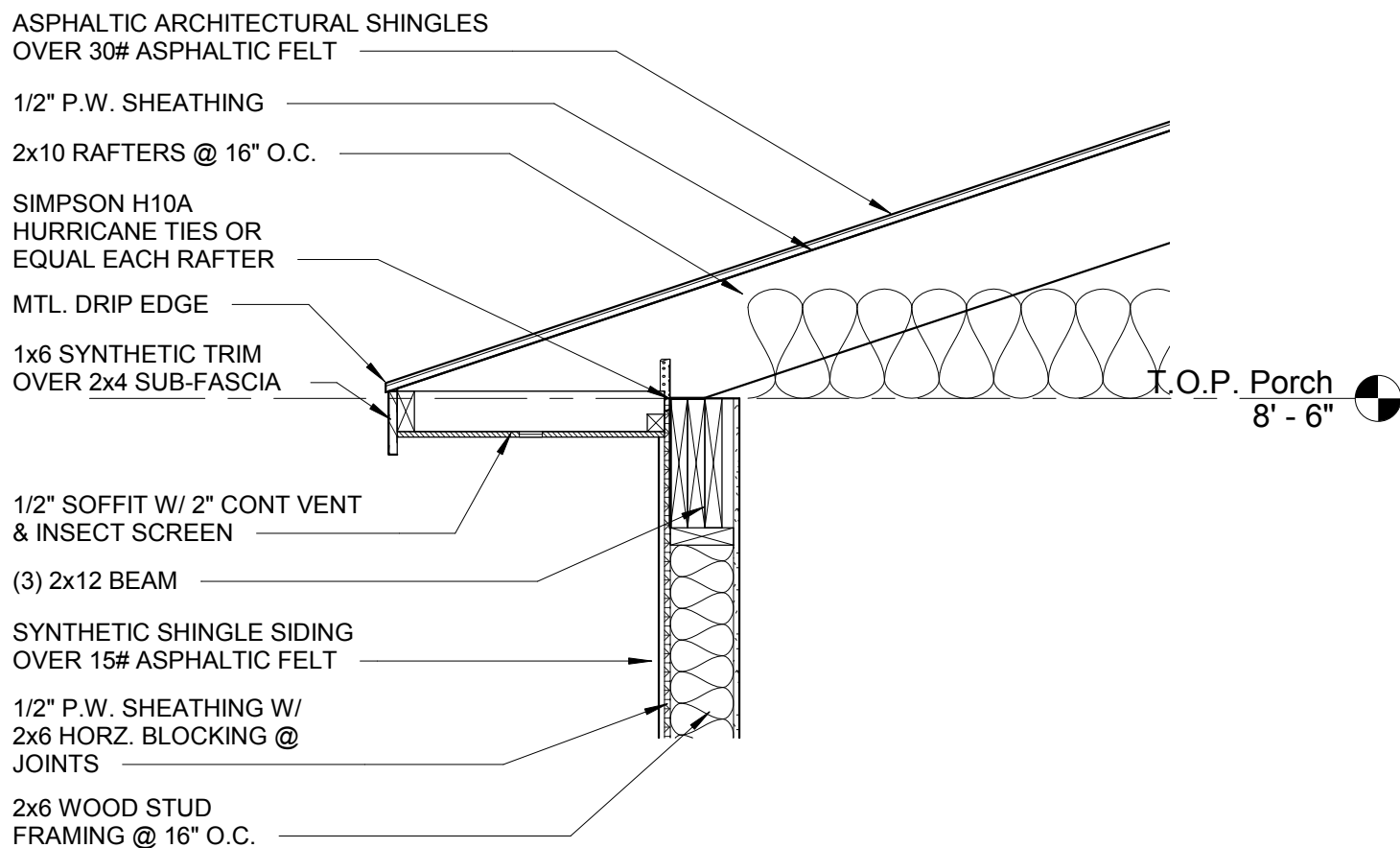
A501



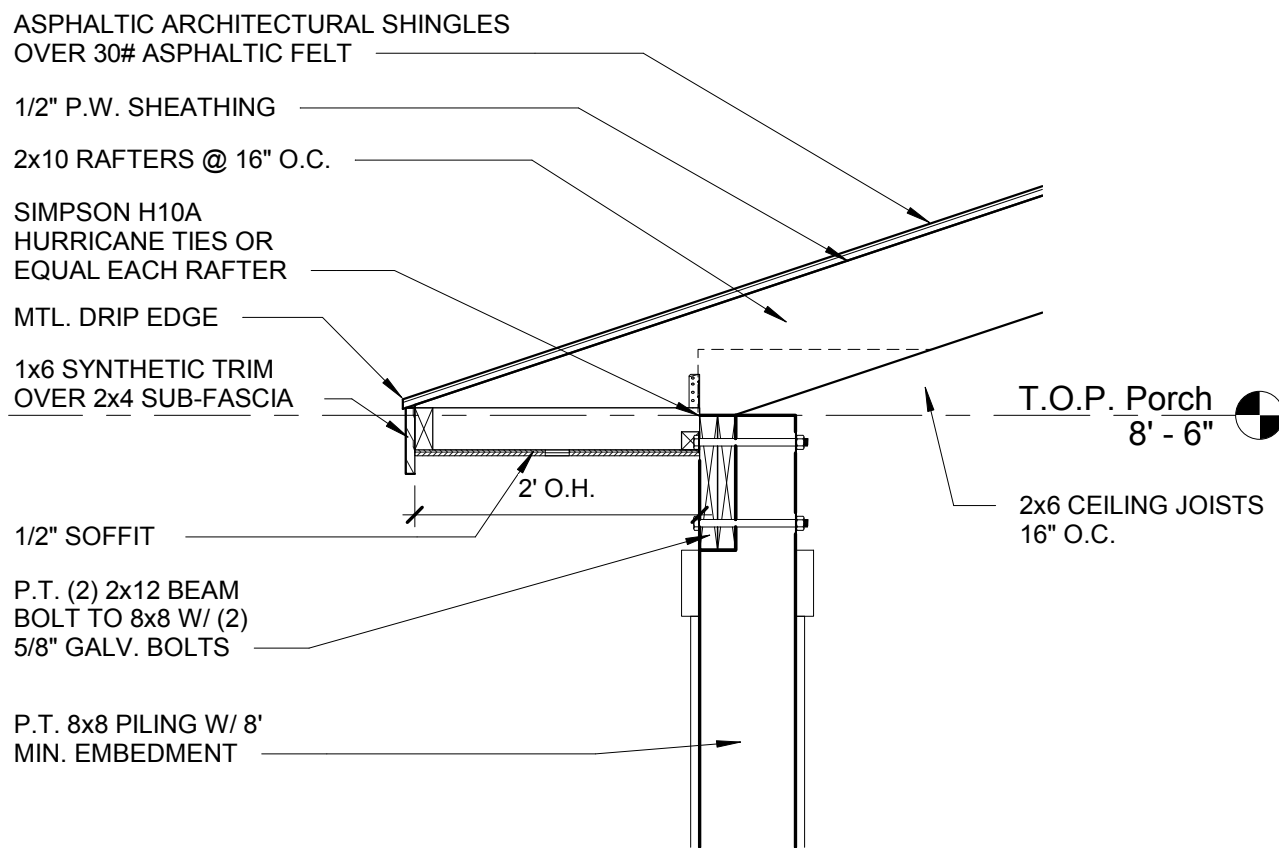
1 Ridge Detail
1 1/2" = 1'-0"



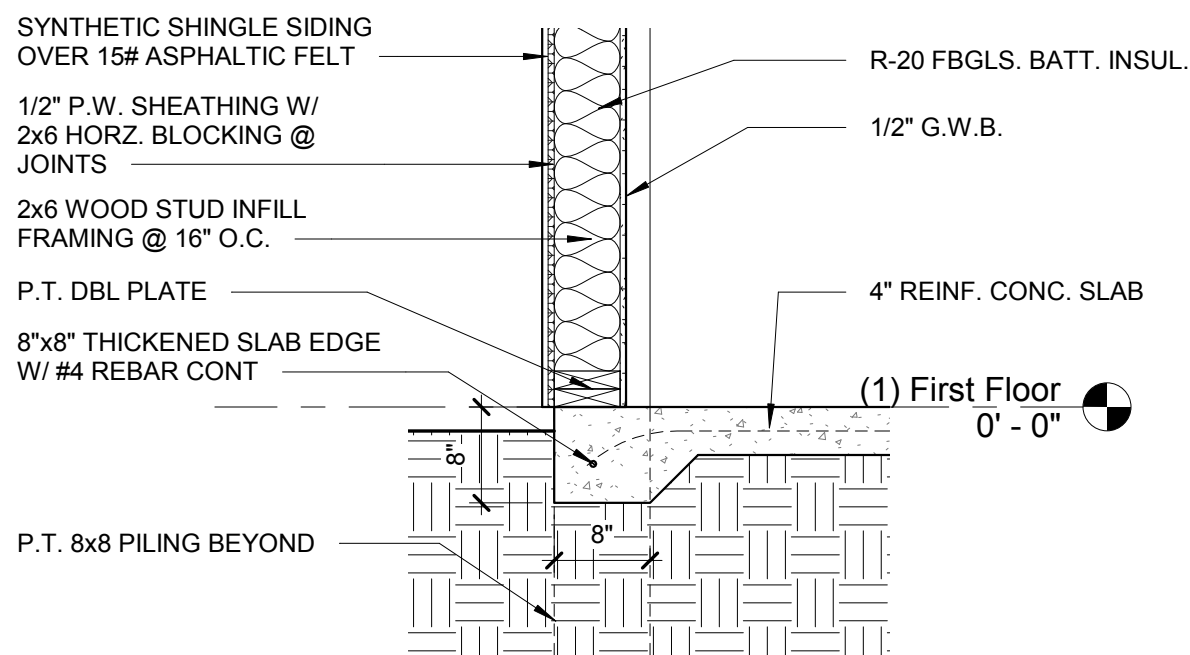
2 Typical Eave Detail
3/4" = 1'-0"



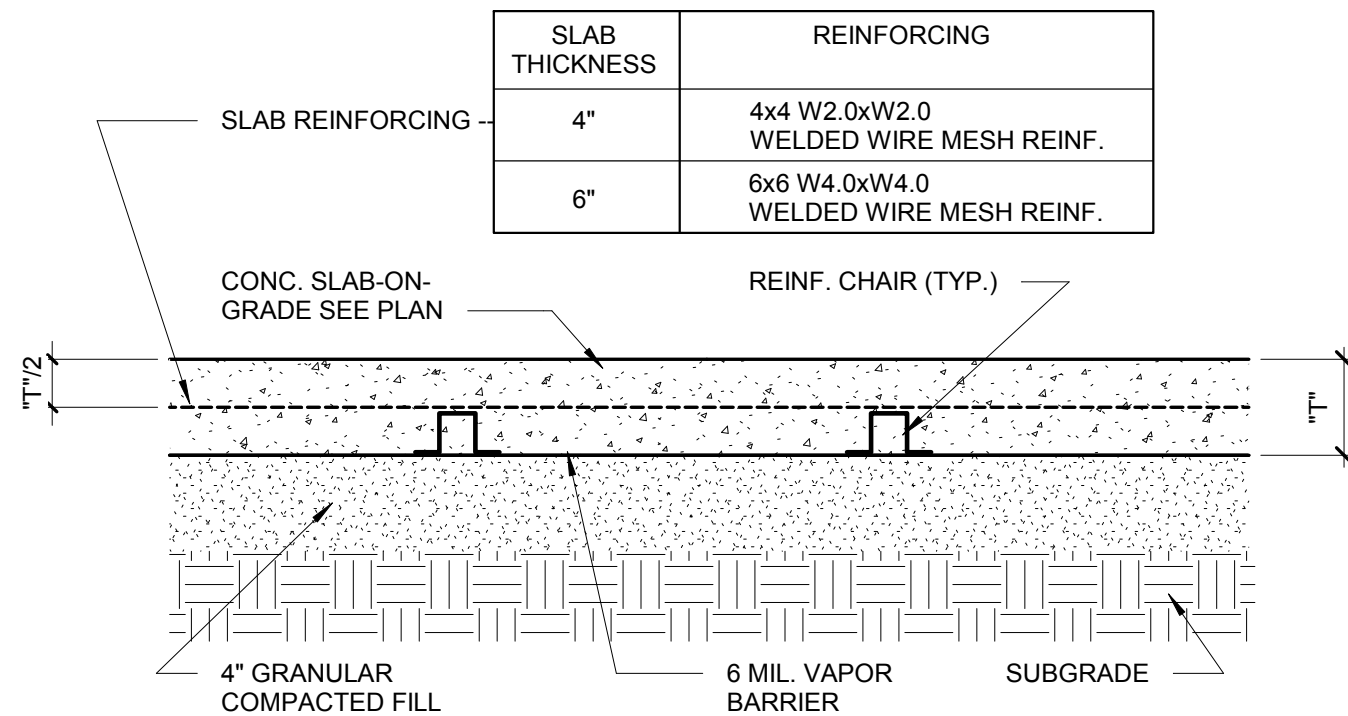
4 Eave Detail
3/4" = 1'-0"



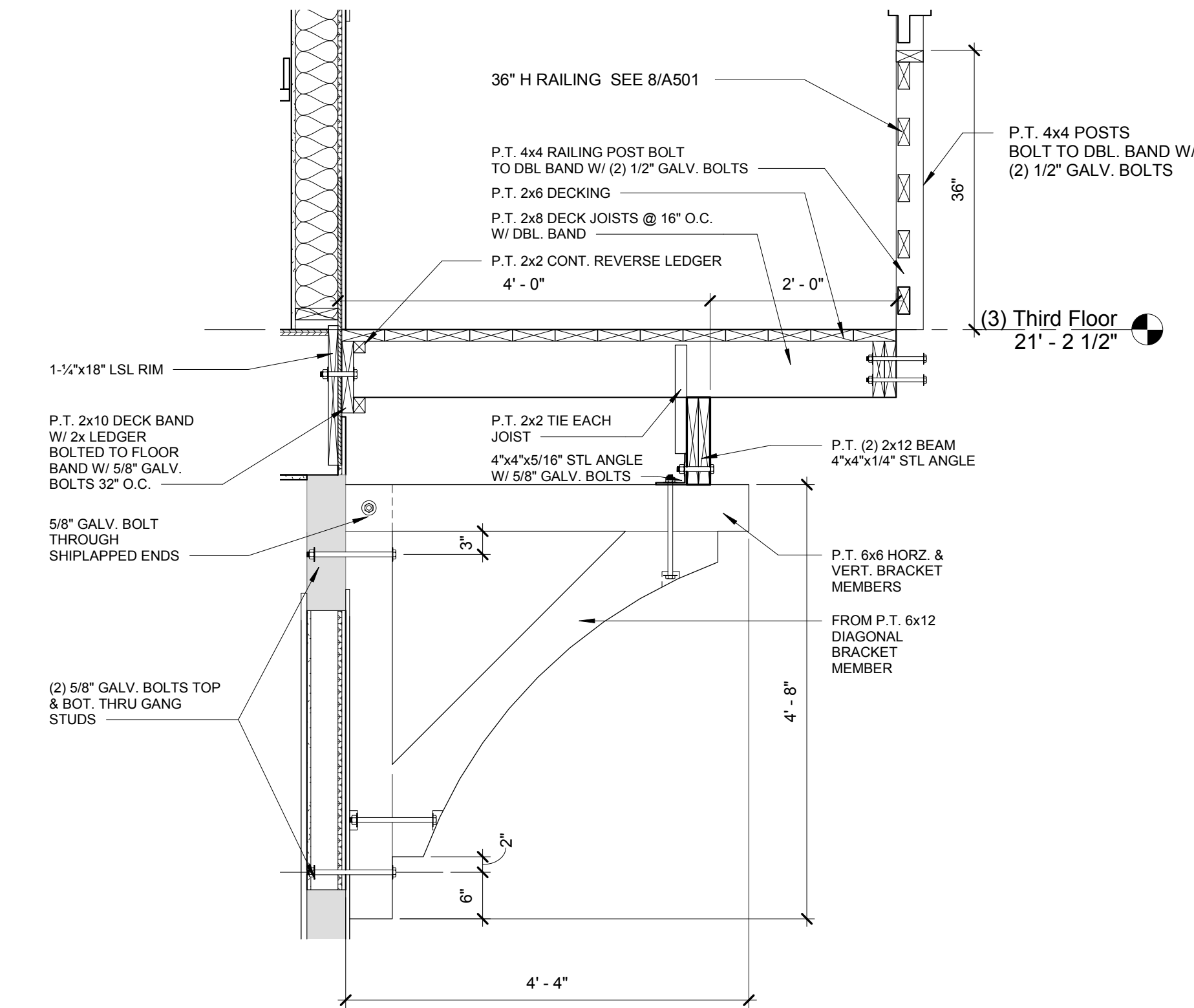
5 Low Porch Eave
3/4" = 1'-0"



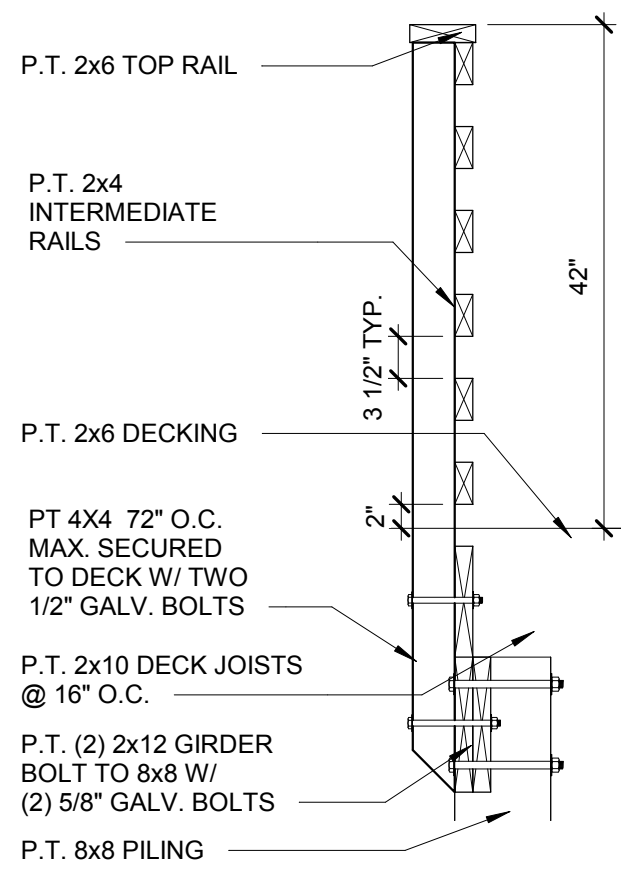
8 Thickened Slab Edge
3/4" = 1'-0"



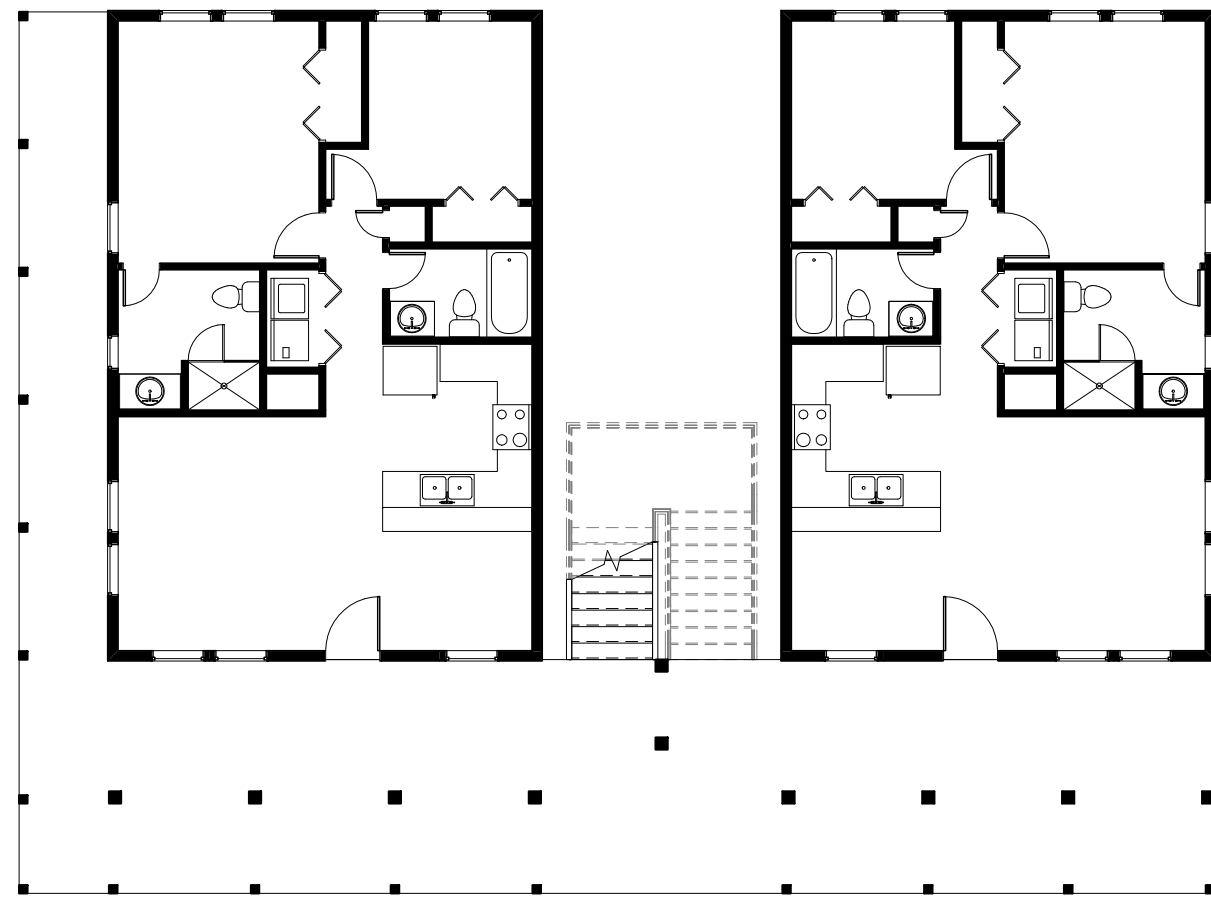
9 Slab-On-Grade Section
1 1/2" = 1'-0"



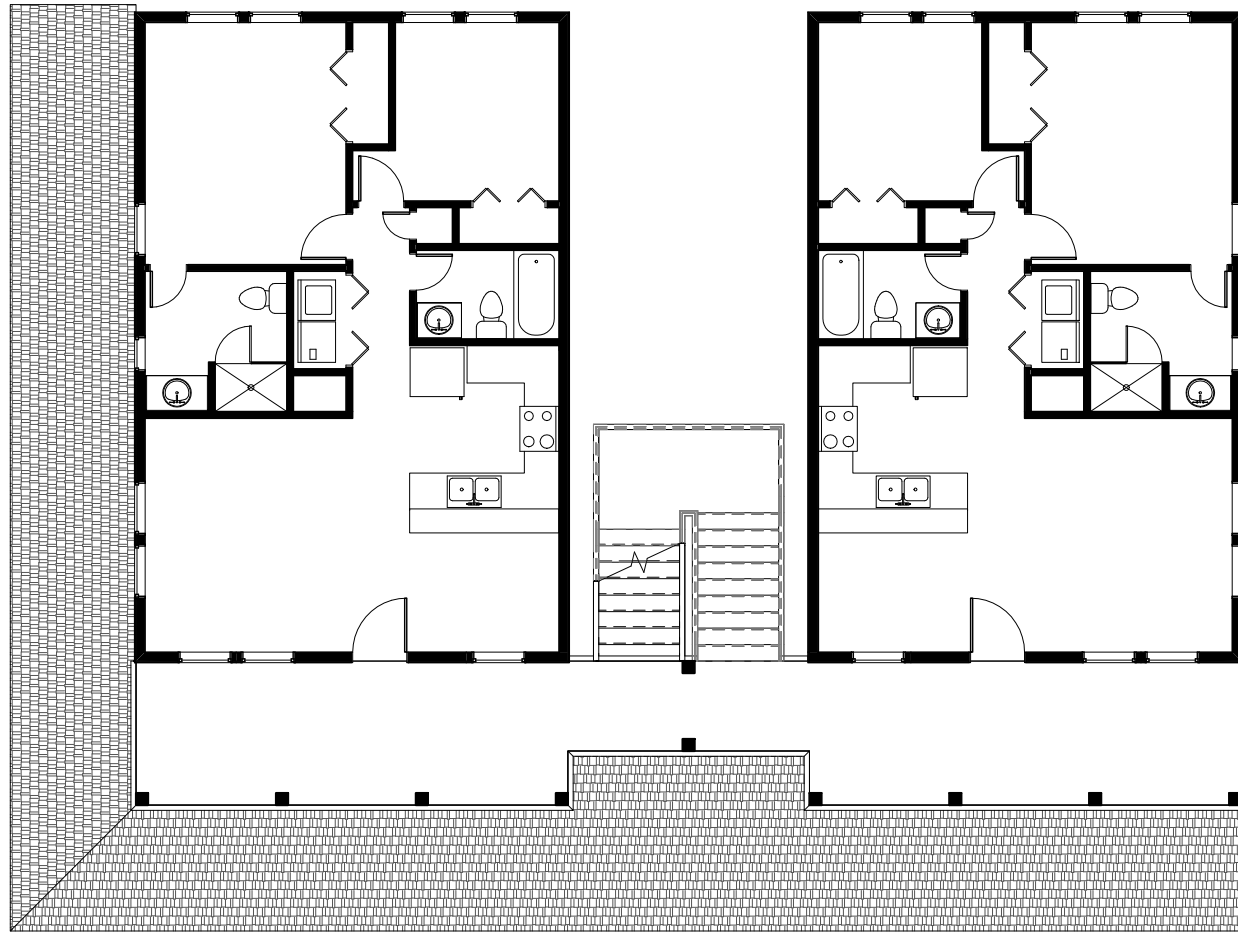
3 Bracket Detail
3/4" = 1'-0"



10 Railing Detail
3/4" = 1'-0"



FIRST FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

Phase 11 Apartments

November 23, 2020

cahoon+kasten
ARCHITECTS

118 West Woodhill Drive, Nags Head, NC
p.252.441.0271 f.252.441.8724



Currituck County

Department of Planning and Community Development

153 Courthouse Road, Suite 110

Currituck, North Carolina 27929

252-232-3055

FAX 252-232-3026

3

MEMORANDUM

To: Rick Willis, Outer Banks Ventures, Inc.

From: Jennie Turner, Planner II

Date: December 10, 2020

Re: PB 84-11 Corolla Light – Phase 11 – Amended Sketch Plan/Use Permit

The following comments were received at the December 9, 2020 TRC meeting. To be scheduled for the January 19, 2021 Board of Commissioners meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on December 21, 2020. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Jennie Turner, 252-232-6031)

Reviewed

1. For this submittal, the date for staff's determination of completeness is December 11, 2020. The application is incomplete. Please provide the following:
 - i. Please submit a revised application that is dated correctly. The application appears to be dated November 13, 2000.
 - ii. Complete the application by providing the number of proposed units and the phase.
2. Please provide the wastewater allocation letter referenced in the transmittal letter.
3. Please provide an update on the existing occupancy issue referenced in my email to Mark Bissell, Rick Willis, David Klebitz, Marcie Respass and Laurie LoCicero on October 30, 2020.
4. Please provide a detailed narrative of the proposed request as well as the proposed phases of development including a sequence for constructing the dwelling units and demolition of any structures on the property. If the amended sketch plan is approved, this will be a mixed-use development.
5. The units proposed above the proposed restaurant are labeled as "upper story dwellings", please change the reference on the amended sketch plan to "upper story dwelling units". Since this request is part of a Planned Unit Development and density is established in the master plan, multiple upper story dwelling units may be permitted.
6. Describe all utility uses, leases and easements on the property.
7. Per the UDO, this proposed redevelopment of Phase 11 is required to provide its pro rata share of open space. 35% open space set-asides are required. Show open space and provide percentage on conceptual site plan.
8. Provide active recreation features that occupy at least 35% of the open space set-aside. Show active recreation features and provide percentage on the conceptual site plan.
9. Staff has concerns with compatibility of existing and proposed uses onsite.
10. Provide lot area and proposed lot coverage on the conceptual site plan.
11. Non-residential design standards apply.

12. Community compatibility standards apply.
13. Is there an existing shed on the property not shown on the site plan?
14. Staff is currently reviewing an amended sketch plan application for Corolla Light Phase 10, a copy will be provided to you so that you may incorporate the most recently approved Amended Sketch Plan into your resubmittal documents.
15. The Amended Sketch Plan should note that the units proposed on Phase 11 are future units.
16. There are heritage trees in the area where the multi-family dwellings are proposed. Heritage trees must be mitigated in accordance with UDO Section 7.2. Provide a plan for heritage tree replacement.
17. A Type B perimeter landscape buffer is required along Shad Street, please show plantings on conceptual development plan.
18. Proposed improvement(s) and proposed building(s) appear to be in existing easements. Please provide authorization from the easement holder(s).
19. A Major Site Plan review will be required prior to any proposed construction associated with this request.

Currituck County Building and Fire Inspections (Jim Berge/Rick Godsey, 252-232-6023)

Reviewed

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

No comments received

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

Reviewed

Building/Unit addresses will be assigned by GIS at site plan approval phase. Building floor plans and elevations may be required at that time.

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

Reviewed

No comment

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

No Comment

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

Approved

Currituck County Public Utilities, Water (Will Rumsey, 252-232-6065 and Dave Spence 252-232-4152)

Reviewed

We will need to have some sort of access road for trucks to the water tower for tank maintenance and repairs. Also a water service agreement still needs to be put in owner's name at the mainland water plant office.

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

No comment

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

Reviewed

*NOTE: WILL NEED SEWER APPROVAL LETTER FROM UTILITIES INC AND THE NC DIVISION OF WATER RESOURCES (WASHINGTON REGIONAL OFFICE-252-946-6481). ALSO, DEVELOPER WILL NEED TO CONSULT WITH ARHS

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.

**Currituck County***Department of Planning and Community Development*

153 Courthouse Road, Suite 110

Currituck, North Carolina 27929

252-232-3055

FAX 252-232-3026

MEMORANDUM**To:** Rick Willis, Outer Banks Ventures, Inc.**From:** Jennie Turner, Planner II**Date:** December 10, 2020
Response 12-21-20**Re:** PB 84-11 Corolla Light – Phase 11 – Amended Sketch Plan/Use Permit

The following comments were received at the December 9, 2020 TRC meeting. To be scheduled for the January 19, 2021 Board of Commissioners meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on December 21, 2020. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Jennie Turner, 252-232-6031)**Reviewed**

1. For this submittal, the date for staff's determination of completeness is December 11, 2020. The application is incomplete. Please provide the following:
 - i. Please submit a revised application that is dated correctly. The application appears to be dated November 13, 2000. **Application with revised date is attached.**
 - ii. Complete the application by providing the number of proposed units and the phase. **Revised Application is attached.**
2. Please provide the wastewater allocation letter referenced in the transmittal letter. **Allocation letter is attached.**
3. Please provide an update on the existing occupancy issue referenced in my email to Mark Bissell, Rick Willis, David Klebitz, Marcie Respass and Laurie LoCicero on October 30, 2020. **Unchanged as of this date.**
4. Please provide a detailed narrative of the proposed request as well as the proposed phases of development including a sequence for constructing the dwelling units and demolition of any structures on the property. If the amended sketch plan is approved, this will be a mixed-use development.
 - i. **The initial phase will involve the raising and replacement of the roof along with addition of the 3rd story and occupancy of the second and third stories as upper story dwelling units.**
 - ii. **The second phase (not part of this application) is proposed for a food service use on the first floor of the existing building, along with a temporary loading and trash area adjacent to the existing parking lot.**
 - iii. **The third phase will be the construction of a 3-unit MF dwelling in the southeast corner of the site, along with associated parking.**
 - iv. **The final phase will be the demolition of the cable TV building, which will become a loading zone and trash area for the development, and construction of a second 3-unit multifamily dwelling where the temporary loading zone was. The concept plan shows the site at buildout.**

5. The units proposed above the proposed restaurant are labeled as "upper story dwellings", please change the reference on the amended sketch plan to "upper story dwelling units". Since this request is part of a Planned Unit Development and density is established in the master plan, multiple upper story dwelling units may be permitted. ("units" added to labeling.
6. Describe all utility uses, leases and easements on the property. Notes regarding the 4 existing easements have been added to the plan (sheet 1).
7. Per the UDO, this proposed redevelopment of Phase 11 is required to provide its pro rata share of open space. 35% open space set-asides are required. Show open space and provide percentage on conceptual site plan. Added to sheet 2 of the plan.
8. Provide active recreation features that occupy at least 35% of the open space set-aside. Show active recreation features and provide percentage on the conceptual site plan. Added to sheet 2 of the plan.
9. Staff has concerns with compatibility of existing and proposed uses onsite. The applicant believes the uses are compatible.
10. Provide lot area and proposed lot coverage on the conceptual site plan. Added to the plan.
11. Non-residential design standards apply. Acknowledged.
12. Community compatibility standards apply. Acknowledged.
13. Is there an existing shed on the property not shown on the site plan? No.
14. Staff is currently reviewing an amended sketch plan application for Corolla Light Phase 10, a copy will be provided to you so that you may incorporate the most recently approved Amended Sketch Plan into your resubmittal documents. Table has been updated to match.
15. The Amended Sketch Plan should note that the units proposed on Phase 11 are future units. Updated accordingly.
16. There are heritage trees in the area where the multi-family dwellings are proposed. Heritage trees must be mitigated in accordance with UDO Section 7.2. Provide a plan for heritage tree replacement. This is shown on the landscaping plan, sheet 2.
17. A Type B perimeter landscape buffer is required along Shad Street, please show plantings on conceptual development plan. This is also shown on the landscaping plan, sheet 2.
18. Proposed improvement(s) and proposed building(s) appear to be in existing easements. Please provide authorization from the easement holder(s). Easements are non-exclusive and access is still provided; if additional authorization is needed, it can be provided at the major site plan review stage.
19. A Major Site Plan review will be required prior to any proposed construction associated with this request. Acknowledged.

Currituck County Building and Fire Inspections (Jim Berge/Rick Godsey, 252-232-6023)

Reviewed

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

No comments received

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

Reviewed

Building/Unit addresses will be assigned by GIS at site plan approval phase. Building floor plans and elevations may be required at that time. Acknowledged.

PB 84-11 Corolla Light - Phase 11
Amended Sketch Plan/Use Permit
Page 2 of 3

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

Reviewed

No comment

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

No Comment

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

Approved

Currituck County Public Utilities, Water (Will Rumsey, 252-232-6065 and Dave Spence 252-232-4152)

Reviewed

We will need to have some sort of access road for trucks to the water tower for tank maintenance and repairs. Utilities Staff has agreed that access will be sufficient. Also a water service agreement still needs to be put in owner's name at the mainland water plant office. Application will be made prior to construction.

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

No comment

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

Reviewed

*NOTE: WILL NEED SEWER APPROVAL LETTER FROM UTILITIES INC AND THE NC DIVISION OF WATER RESOURCES (WASHINGTON REGIONAL OFFICE-252-946-6481). ALSO, DEVELOPER WILL NEED TO CONSULT WITH ARHS Allocation letter has been provided.

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.



Carolina Water Service of North Carolina™

November 25, 2020

Mr. Rick Willis
Outer Banks Ventures
PO Box 549
Corolla NC 27927

Re: 1099 Ocean Trail, Proposed Modifications to Phase 11 for 40 Seat Restaurant
Corolla, Currituck County NC
Sanitary Sewer Utility-Willingness to Serve- Capacity Commitment Letter

To Whom It May Concern:

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

CWSNC is willing and able to provide the sanitary sewer utility needs for the above referenced property and project, including the existing apartment, for a combined maximum capacity of three thousand five hundred-twenty (3520) gallons per day.

This allocation includes and supersedes all previous allocation commitments.

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

Respectfully,

Dana Hill
Director of Operations

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

Attachment: 11 Wastewater (PB 84-11 Corolla Light PUD, Phase 11 Amended Sketch/Use Permit)



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

December 8, 2020

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

Dear Ms. Walton:

The Albemarle Commission Area Agency on Aging (AAA) is in need of two representatives for our Regional Advisory Council (RAC) one newly appointed and one reappointed. Ms. Joanne DiBello has been a tremendous asset to this group and a great advocate for older adults in **Currituck County**. She has been a regular participant in the quarterly RAC meetings as she also serves as the Senior Tar Heel Legislature Delegate for **Currituck County**. I would like to recommend that this individual be reappointed by your Board.

The RAC meets quarterly to give direction and guidance to the AAA's efforts in serving the senior population in **Currituck County**. The primary purpose of this council is to serve as advocates for older adults, their caregivers and their families living within the service area of the Albemarle Commission as specified by the Older American's Act. This group is primarily responsible for providing guidance and input in our 4-year area plan to serve older adults in Northeast North Carolina.

Appointment length to this council can vary based on the county preference, but should be no less than a **two-year term**.

Should you have any questions or concerns, please feel free to contact me at 252-426-8244. I thank you in advance for your assistance.

Most Sincerely,

Jasmine S. Wilson, Aging Program & Contracts Specialist
Albemarle Commission Area Agency on Aging

ANIMAL SERVICES/CONTROL ADVISORY
2-YEAR TERMS

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Brenda Parrish	Consensus			8/6/2018	1st Term 5/30/2020
Donna Corbo	Consensus			8/6/2018	1st Term 5/30/2020
Laura Hill	Consensus			12/2/2019	2nd Term 5/30/2021
Michael Shannon	Consensus			8/6/2018	1st Term 5/30/2020
Nancy VanClief	Consensus			5/16/2016 12/2/2019	2nd Term 5/30/2021
Gina Maurer <i>Director</i>	Consensus				
Animal Control Officer	Consensus				
Commissioner Kevin McCord	Ex-Officio			1/2019	1/2021

Can be Reappointed

HISTORIC PRESERVATION COMMISSION
4 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Josh Bass	Consensus		Consensus	2/18/2019	1st Term 1/17/2023
Sophie Jordan	Consensus		Consensus	1/17/2020	1st Term 1/17/2024
Virginia Agreste	Consensus		Consensus	2/03/2020	1st Term 1/17/2024
	Consensus	<i>Mary Simmons</i>	Consensus	1/17/2017	Init. <i>1/17/2021</i>
	Consensus	<i>Barbara Snowden</i>	Consensus	1/17/2017	Init. <i>1/17/2021</i>

Initial Terms: 1-Two Year 2-Three Year 2-Four Year
Term Expirations listed as recommended by BOC

Number 20210076

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of February 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
63838-521000	Rent	\$ 11,550	
63340-462000	Tipping Fees		11,550
		<hr/>	<hr/>
		<u>\$ 11,550</u>	<u>\$ 11,550</u>

Explanation: Solid Waste (63838) - Increase appropriations for lease payments on the Gibbs Woods convenience site.

Net Budget Effect: Solid Waste Fund (63) - Increased by \$11,550.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BAs Feb 1_General Meeting (Budget Amendments)

Number 20210077

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of February 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10512-503500	Temporary Services	\$ 8,000	
10512-502000	Salaries - Regular		8,000
		<hr/>	<hr/>
		<u>\$ 8,000</u>	<u>\$ 8,000</u>

Explanation: Animal Services and Control (10512) - Transfer budgeted funds to hire temporary staff to assist the animal services staff during long term FMLA. Temporary staff would work up to 19 hours per week until full-time staff can return to work.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BAs Feb 1 General Meeting (Budget Amendments)

Number 20210078

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of February 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
14460-545000	Contract Services	\$ 125,000	
14390-499900	Appropriated Fund Balance		125,000
		<hr/>	<hr/>
		<u>\$ 125,000</u>	<u>\$ 125,000</u>

Explanation: Carova Beach Road District (14460) - Increase appropriations to award contract to Wild Horse Construction Corporation for repairs to roads within the Carova Beach Road Service District.

Net Budget Effect: Carova Beach Road Service District Fund (14) - Increased by \$125,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BAs Feb 1_ General Meeting (Budget Amendments)

**MEMORANDUM OF UNDERSTANDING BETWEEN
NORTH CAROLINA DEPARTMENT OF INFORMATION TECHNOLOGY
STATE CHIEF INFORMATION OFFICER
AND
CURRITUCK COUNTY, NORTH CAROLINA**

I. PURPOSE

A. The purpose of this Memorandum of Understanding (“MOU” or “Agreement”) is to develop a management agreement and define the relationship and governing policies and procedures under which the North Carolina Department of Information Technology (hereafter “DIT”) and Currituck County (hereafter “the County”) (together, “the Parties,” or singular, “Party”), may accomplish the following:

- Share information through data exchange by using network monitoring and other information sharing platforms
- Establish a shared risk architecture and establish roles and responsibilities for the operation of any information sharing and/or network monitoring and defense technologies procured by DIT and installed on county infrastructure
- Build relationships for “whole of state” approach to cyber risk reduction
- Share resources, including materials, people, infrastructure, and knowledge to move DIT and County cyber projects forward
- Other activities that might benefit the County, DIT and the State

B. It is understood between the parties to this Agreement that the State Chief Information Officer (SCIO) may request and utilize support from the North Carolina National Guard (NCNG), Private Sector organizations with whom DIT has a contractual relationship and, federal, state, and local cooperative law-enforcement organizations.

II. AUTHORITIES AND REFERENCES

A. G.S. § 143B-1379. State agency cooperation and training; liaisons; county and municipal government reporting.

B. G.S. § 143B-1341. State CIO approval of security standards and security assessments

C. Chapter 166A of the North Carolina General Statutes. State Emergency Management Act

D. State of North Carolina Statewide Information Security Manual

E. Memorandum of Understanding between DIT, Department of Public Instructions, North Carolina Emergency Management and National Guard

III. PARTIES

Each party has designated an Executive Agent for the execution of this MOU. The Executive Agents are:

A. For DIT:

Tracy Doaks

Secretary of the NC Department of Information Technology and State Chief
Information Officer

B. For the County:

Logan Steese

IT Director

IV. BACKGROUND:

Pursuant to G.S. § 143B-1321(a)(1) and (29), DIT has the authority to provide the information technology support and services routinely offered to State agencies to local government entities. In order to accomplish this task, DIT has procured network sensors which provide monitoring and defense technologies for deployment across the state. These devices are intended to add a layer of support and defense to state and local infrastructure, while allowing the DIT to leverage analytics to provide a statewide view of threats impacting State government.

V. ADMINISTRATION

- A. Other agreements entered into by DIT and County may remain in full force and effect unless the terms therein contradict this MOU. The terms of this MOU supersede and replace any previous agreements between the Parties regarding network sensors.
- B. The Parties represent that applicable statutory, regulatory, and other legal and administrative requirements have been reviewed and there are no requirements or laws that preclude or limit obligations undertaken.
- C. Each Party bears an ongoing obligation to notify the other of any changes that will or may have a negative impact on the Party's ability or authority to perform.

VI. RESPONSIBILITIES:

A. DIT will perform the following activities:

- 1. Assign the Enterprise Security and Risk Management Office (ESRMO) as the primary office for coordinating, defining, and facilitating the procurement and delivery of the network sensors.

2. Budget for and fund the annual subscription of the network monitoring solution. If DIT is unable to provide recurring funding for the solution, DIT will use best efforts to provide the County six (6) months advance notification in order to conduct appropriate budget requests and establish procurement processes.
 3. Ensure that any memoranda of understanding or agreements between supported organizations and DIT contain data handling procedures that ensure the appropriate deletion of collected data and sanitization of media during the course of the contract. DIT will ensure all data accessed by DIT staff is handled in accordance with the State of North Carolina Statewide Information Security Manual.
 4. Ensure appropriate non-disclosure agreements are executed between organizations, e.g. NCNG, third party vendors, and so forth, prior to providing support.
 5. Ensure that no personally identifying information (PII) or data classified as High Risk or Moderate Risk pursuant to the NC Data Classification and Handling Policy will be used or shared outside of this Agreement. See the Data Classification and Handling Policy available here: <https://it.nc.gov/documents/statewide-data-classification-and-handling-policy>.
 6. Manage access control and account management for NCNG, DIT, contracted vendors, and any other federal partners, e.g., Dept of Homeland Security (DHS), Multi-State Information Sharing and Analysis Center (MS-ISAC) or Federal Bureau of Investigations (FBI), who have established a need and has been authorized by the County and DIT.
 7. Ensure that contracted vendor or vendors have met or exceed the security requirements required by the Statewide Information Security Manual.
 8. Ensure that DIT staff and supported entities with access to network sensor solution receive, at minimum, cybersecurity awareness training on the protections of PII or other High or Moderate Risk data types.
 9. Inform the County of all Cybersecurity Incidents, as defined in G.S § 1320(a)(12), related to the unauthorized access or misuse of the County data within twenty-four (24) hours of discovery and confirmation of the Incident.
- B. The County will perform the following activities:
1. Assume primary responsibility for the data and Cybersecurity Incidents identified within the network sensor.
 2. Provide location and infrastructure to support the implementation of the DIT network sensor.

3. Authorize NCNG and DIT to have 24 X 7 X 365 access to county network logs through the network sensor in order to conduct trending and predictive analytics and act as a second pair of eyes to anomaly detection and prevention
4. Manage access control requests for county access requests.
5. Provide qualified county technicians to assist in trouble shooting incidents.
6. Manage and monitor alerts as identified by the network sensors and notify DIT and relevant contracted vendors of any incidents outside of their capability to resolve.
7. Return network sensors and other devices and equipment (together, “Devices”) to DIT if the decision is made to terminate this MOU. The County is responsible for ensuring secure transmission of any Devices back to DIT or a shipping location as directed by DIT.
8. Coordinate with DIT on any issues related to the installation, operation and maintenance of the network sensor.

Report to DIT all Cybersecurity Incidents related to the unauthorized access or misuse of the data within the timelines established by G.S. § 1379(c) within twenty-four (24) hours of discovery and confirmation. The County shall report Cybersecurity Incidents using the Statewide Cybersecurity Incident Report Form available at the following webpage: <https://it.nc.gov/resources/cybersecurity-risk-management/nc-information-sharing-analysis-center/statewide>.

9. Reimburse DIT for any malicious misuse or destruction of the network sensor solution directly or indirectly caused by the County.

VII. DATA SHARING AGREEMENT

- A. DIT and County provide no warranties, express or implied, that the data accessed is accurate, correct, complete, properly correlated or integrated.

DIT maintains that all data is owned by the County. The County is permitting DIT access and use of the County data as a “Custodian” as outlined in the Statewide Information Security Manual and as part of this Agreement. However, DIT will not be considered a custodian of the County’s data with regards to any relevant public records requests.

- B. DIT and the County mutually agree that the data accessed, aggregated, used, and viewed may include data classified as High Risk (Highly Restricted) or Medium Risk (Restricted), and shall be disclosed only as provided by applicable statutes, regulations or laws and pursuant to this MOU.

- C. All Parties acknowledge data and information reported, collected, maintained, disseminated, and analyzed may not be accessed, disclosed, viewed, or used by any State or local government agency or entity for purposes other than the purposes and uses described in this MOU and applicable law.
- D. DIT will ensure data is sanitized and the County receives verification of such sanitization upon request by the County following the termination of this Agreement.

VIII. THE PERIOD OF AGREEMENT, MODIFICATION, OR TERMINATION

- A. Period of Agreement. This MOU is effective upon the signature of all individuals or authorities representing all Parties and will remain in effect until terminated, revised, amended or suspended by either of the Parties.
- B. Modification.
 - 1. This MOU will be reviewed annually by the parties and must be renegotiated when laws, regulations, or support requirements change in such a manner that the Agreement cannot be performed.
 - 2. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by authorized representatives of the Parties hereto.
- C. Termination. The parties hereto may terminate this MOU without cause by notifying the signatories in writing no less than sixty (60) days prior to date they wish to terminate this Agreement.

IX. RESOLUTION OF DISAGREEMENTS

- A. To ensure consistency, modifications or amendments to this MOU will be subject to all applicable statutory, regulatory, and other legal and administrative requirements of the Parties.
- B. Nothing herein is intended to conflict with current department or agency directives. If the terms of this MOU are inconsistent with existing directives of either Party then those sections of the MOU which are determined to be inconsistent shall be invalid, but the remaining terms and conditions will not be affected by the inconsistency and shall remain in full force and effect. At the opportunity for review, all necessary changes will be accomplished by either an amendment to this MOU or by entering into a new MOU, whichever is deemed preferable by the Parties.

X. Miscellaneous

- A. Governing Law. This Agreement is made under and shall be governed and construed in accordance with the laws of the State of North Carolina. The County agrees and submits, solely for matters relating to this Agreement, to the jurisdiction of the courts of the State of North Carolina, and stipulates that Wake County shall be the proper venue for all matters.

- B. **Public Records and Confidential Information.** Both Parties are subject to the North Carolina Public Records Act found in Chapter 132 of the North Carolina General Statutes. All information provided to either Party that should not be considered a public record or that is exempt from the Public Records Act must be appropriately marked or designated as “Confidential Information” prior to delivery. If an action is brought pursuant to N.C.G.S. §132-9 to compel either Party to disclose Confidential Information, the County agrees that it will intervene in the action through its counsel and participate in defending DIT, including any public official(s) or public employee(s). DIT agrees to promptly notify the County in writing of any action seeking to compel the disclosure of the County’s Confidential Information.
- C. **Audit, Access to Records.** Pursuant to N.C.G.S. §147-64.7, DIT, the State Auditor, appropriate federal officials, and their respective authorized employees or agents are authorized to examine all books, records, and accounts of the Parties insofar as they relate to this Agreement or to costs charged to this Agreement. The Parties shall retain any such books, records, and accounts for a minimum of three (3) years after the completion or termination of this Agreement.
- D. **Governmental Restrictions.** In the event any restrictions are imposed by governmental requirements that necessitate alteration of the performance of this Agreement, each Party shall provide written notification of the necessary alteration(s) to the other Party’s Contact for Notice. The receiving Party reserves the right to accept any such alterations, including any price adjustments occasioned thereby, or to cancel the Agreement. Either Party may notify the other of any restrictions or changes in specifications required by applicable law that require compliance by the affected Party. In such event, the Parties shall use its best efforts to comply with the required restrictions or changes.
- E. **Relationship.** The relationship between the parties to this Agreement is strictly that of independent parties, and this Agreement shall not create a partnership or any other form of business relationship, or create an agency relationship, between the parties hereto. Neither party to this Agreement shall, nor shall either party have any authority to, create or incur any liability or obligation on behalf of the other.
- F. **Assignment.** The Parties shall not assign, sublicense or otherwise transfer in any manner any of the Parties’ rights and obligations under this Agreement without the prior written consent of the other Party in each instance.
- G. **Force Majeure.** Neither Party shall be liable for, and is excused from, any failure to perform or delay in the performance of its obligations under this Agreement due to causes beyond its control, including without limitation, interruptions of power or telecommunications services, failure of its suppliers or subcontractors, acts of nature, governmental actions, fire, flood, natural disaster, infectious disease outbreaks, or labor disputes.

- H. **Waiver.** No waiver of compliance by any Party of any provision or condition of this Agreement shall be effective unless evidenced by an instrument in writing duly executed by the Party sought to be charged with the waiver. Any waiver of any condition or provision in this Agreement on any particular occasion shall not be deemed to constitute a waiver of any condition or provision of this Agreement on any other subsequent occasion.
- I. **Severability.** If any provision of this Agreement shall be deemed invalid, illegal or enforceable in any respect, such provision shall be considered separate and severable from the remaining provisions of this Agreement, and the validity, legality or enforceability of any of the remaining provisions of this Agreement shall not be affected or impaired by such provision in any way.
- J. **Conflicts of Interest.** The County acknowledges and represents that it has adopted policies governing conflicts of interest and ethics in the exercise of its authority, and its actions under this Agreement. The County will review, disclose and employ its best efforts to resolve any anticipated or reported conflict of interest or issue involving its ethics policies during the performance of this Agreement. The County shall, upon request, submit a copy of its conflict to interest policy, and shall ensure that such policy conforms to the requirements of G.S. § 143C-6-23 and other applicable laws.
- K. **Notices.** Any notice or other writing required or permitted to be given under this Agreement to any Party will be in writing and will be deemed given if delivered to the Contact for Notice included in Attachment 1 via electronic mail upon affirmative confirmation of receipt. Notices may also be delivered to Contacts for Notice personally, by prepaid registered or certified mail return receipt requested, or by nationally recognized courier for overnight delivery. Changes to the Contacts for Notice may be made without the need for amendments to this Agreement by notifying the other Party in writing about the new Contact for Notice.
- L. **Entire Agreement.** This Agreement (including all attachments and exhibits) represents the complete and entire agreement of the parties and supersedes all prior discussions, communications, negotiations, representations, and agreements between the Parties with respect to the subject matter, terms, and provisions in this Agreement.

 (signature)

 (date)

TRACY DOAKS
Secretary and State Chief Information Officer
NC Department of Information Technology

 (signature)

 (date)

Michael H. Payment
Chairman, Board of Commissioners
Currituck County

Attachment 1**Contacts for Notice****For DIT:**

Name:

Title:

Email Address:

Phone:

Mailing Address:

For the County:

Name:

Title:

Email Address:

Phone:

Mailing Address:

RESOLUTION

WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.

County			
<u>Asset</u>	<u>Description</u>	<u>Serial Number</u>	<u>Department</u>
8818	2015 NISSAN TITAN	1N6AA0CJ8FN506206	INSPECTIONS

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right

ADOPTED, this 1st day of February, 2021.

 Michael H. Payment, Chairman
 Currituck County Board of Commissioners

 Leeann Walton
 Clerk to the Board (Seal)

RESOLUTION

WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina, during its regularly scheduled meeting, authorized the following pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.

County Asset Tag	Description	Serial Number
7105	Batwing Bush Hog 2515	12-00676
7148	4x4 Cub Cadet (Needs starter & trans)	1/127640013
7196	Pyranha Spray Master Fly System	N/A
N/A	Sweeper Street Sweeper	439053

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 1st day of February, 2021.

Michael H. Payment
County of Currituck, Board of Commissioners

Leeann Walton
Clerk to the Board

(Seal)

Attachment: Surplus Res-CCRC-Ext-Maint Equip (Surplus Resolution-CCRC/Ext-Maint Equip)



**CURRITUCK COUNTY
NORTH CAROLINA**

January 19, 2021

Minutes – Special Meeting of the Board of Commissioners

2:00 PM CALL TO ORDER

The Board of Commissioners met at 2:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for a Special Meeting.

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

Chairman Payment called the meeting to order.

A) Invocation & Pledge of Allegiance

Mark Bissell, a meeting attendee, offered the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner White moved for approval of the agenda. The motion was seconded by Commissioner Jarvis. The motion carried, 7-0.

Approved agenda:

2:00 PM Call to Order

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

C) 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.

Communication: Minutes for January 19, 2021 (Approval Of Minutes for Jan. 19, 2021 and Special Meeting, Jan. 27, 2021)

Commissioner's**Report****County Manager's****Report****Public Hearings**

- A) **PB 84-11: Corolla Light PUD, Phase 11-** Outer Banks Ventures submitted an amended sketch plan/use permit application to allocate 8 residential units to Phase 11, located at 1099 Ocean Trail, Corolla.
- B) **PB 18-23: Fost Development, PRD (Phases 1-5)-** Moyock Development, LLC, submitted an amended preliminary plat/use permit application for the purpose of connecting the development to an off-site wastewater treatment facility (major utility), modify the clubhouse area and enlarge the pond, and adjust the phasing lines. Fost Development is a Planned Residential Development and Phases 1-5 include 301 residential units and associated infrastructure.

New Business

- A) **Consideration of Resolution Assigning County Property Located at 117 North Point Boulevard, Moyock, North Carolina for Economic Development Purposes**
- B) **Consent Agenda**
1. Budget Amendments
 2. Nextel Communications of the Mid-Atlantic, Inc. ("Sprint") Cell Tower Upgrades, Corolla
 3. Memorandum of Understanding-State of NC and Currituck County Department of Social Services
 4. Approval Of Minutes-January 4, 2021

Recess**Special Meeting-Tourism Development Authority**

TDA-Budget Amendments

Adjourn TDA**Reconvene Regular Meeting/Work Session**

Mobile Classrooms

Adjourn

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

C) Public Comment

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

Chairman Payment opened the Public Comment period. The two speakers signed up did not speak and instead addressed the Board during the quasi-judicial hearing Item A, Corolla Light Use Permit Amendment. There were no other speakers and the Public Comment period was closed.

COMMISSIONER'S REPORT

Commissioner J. Owen Etheridge discussed unemployment figures for Currituck County, and said the historically low rates speak highly of Currituck County's economy.

Commissioner McCord provided information on the following day's Covid-19 vaccination clinic and encouraged citizens who want a vaccine to register through the County's call center.

Commissioner Beaumont serves on the Veterans Advisory Board and reported on the recent meeting. He said it was well attended and discussed a presentation by Currituck resident Barbara Snowden, a retired History teacher and member of the Historical Society, on the Veteran's registry available to all of Currituck County's Veterans. Commissioner Beaumont encouraged Veterans to register their service on the County website as a way to help increase available services in the area.

Chairman Payment reported on the processes and procedures followed by Albemarle Regional Health Services (ARHS) to secure vaccines for distribution in the counties they serve. He reminded citizens of the new decal required for residents and property owners to dispose of household waste at the county's convenience sites. Chairman Payment announced the Board's upcoming retreat and encouraged citizens to attend. He asked everyone to keep first responders in their prayers.

Commissioner White thanked Chairman Payment for his service on the ARHS Board and acknowledged the additional time involved with the onset of the Covid-19 pandemic. He discussed how and where the county posts Covid-related and general information for the public. He encouraged citizens to join the County's Facebook and other social media sites and to review the County website for information and updates.

Commissioner Mary Etheridge expressed her appreciation for those working to distribute Covid-19 vaccines and thanked everyone for their efforts.

Commissioner Jarvis reported she served as Currituck County's voting delegate for the North Carolina Association of County Commissioners (NCACC) Legislative Goals conference, where county delegates voted on a series of goals to benefit all 100 North Carolina counties. She said the goals can be found on the NCACC website. She, too, thanked Chairman Payment and others working to distribute Covid-19 vaccinations. Commissioner Jarvis discussed the recent Presidential inauguration and hopes the country can come together and move forward.

COUNTY MANAGER'S REPORT

Ben Stikeleather, County Manager, reported on the vaccination clinics held in the County over the past week and described the registration and notification processes for citizens. He discussed the role of Albemarle Regional Health Services and reviewed ways in which the County is assisting to facilitate the vaccine roll-out. Mr. Stikeleather is working with ARHS to set up clinics in Corolla and Kotts Island. He announced the upcoming Board Retreat scheduled February 4-6, 2021, in the Historic Courthouse Board Meeting Room.

PUBLIC HEARINGS

- A. PB 84-11: Corolla Light PUD, Phase 11-Outer Banks Ventures submitted an amended sketch plan/use permit application to allocate 8 residential units to Phase 11, located at 1099 Ocean Trail, Corolla.**

APPLICATION SUMMARY	
Property Owner: Richard C. Willis Outer Banks Ventures, LLC PO Box 549 Corolla, NC 27927	Applicant: Richard C. Willis Outer Banks Ventures, LLC PO Box 549 Corolla, NC 27927
Case Number: PB 84-11	Application Type: Amended Sketch Plan/Use Permit
Parcel Identification Number: 115B-000-P2AU-0000	Existing Use: Planned Unit Development (PUD)
2006 Land Use Plan Classification: Full Service	Parcel Size (Acres): 0.92 (Subject Parcel) 267.05 (Overall PUD)
Request: Amend Sketch Plan/Use Permit	Zoning: SFO with PUD Overlay
Number of Units: 8 units (Subject Parcel – Phase 11) 603 units (Overall PUD)	Project Density: 8.69 units per acre (Subject Parcel – Phase 11) 2.51 units per acre (Overall PUD)
Required Open Space: 93.47 acres (35%) (Overall PUD) .32 acres (35%) (Subject Parcel – Phase 11)	Provided Open Space: 128.51 acres (48.12%) (Overall PUD) .44 acres (48%) (Subject Parcel – Phase 11)

Communication: Minutes for January 19, 2021 (Approval Of Minutes for Jan. 19, 2021 and Special Meeting, Jan. 27, 2021)

SURROUNDING PARCELS		
	Land Use	Zoning
North	Shad Street & Corolla Light Single-Family Residential	SFO with PUD Overlay
South	Beacon Villas – 16 duplexes (Multi-Family Subdivision)	SFO with PUD Overlay
East	Single-Family Dwellings (Whalehead Subdivision)	SFO with PUD Overlay
West	NC12 & Corolla Light Single-Family Residential	SFO with PUD Overlay

Narrative

The subject property (Phase 11) is part of the Corolla Light Planned Unit Development (PUD) and is subject to the Amended Sketch Plan. The property is designated commercial, and the applicant is requesting amended sketch plan/use permit approval for eight dwelling units on the property.

The applicant is proposing a mixed-use development. Two upper-story dwelling units are proposed in the existing building with commercial use on the ground level. Two 3-story multi-family buildings with three dwelling units in each building are proposed.

The site is located at the corner of Ocean Trail and Shad Street. There are multiple utility uses on-site including a water tower, telecommunications tower, several accessory/equipment buildings, propane tanks and generators. Easements for access to the utilities are held by the county, AT&T, Verizon, and Charter.

In the original Corolla Light PUD sketch plan, Phase 11 was approved for utility purposes including a water treatment plant and the property was designated as utility open space.

In 2008, the Board approved an amendment to the sketch plan that included the following:

- Phases 10, 11, 13 and 14 were rezoned from utility open space to General Business.
- Phase 11 was approved for commercial use only.
- 100 residential dwelling units were approved for Phases 10, 13 and 14.

In 2017 the county removed the water treatment equipment from the existing building on Phase 11. There are still elements of the water infrastructure on the property, but the building and has reverted to the owner. The building may be used for commercial purposes subject to the review standards of the UDO.

There is an existing issue with building occupancy. According to the applicant, the existing building is being used for residential occupancy. The property is not currently zoned for residential use and there is no density assigned to the property. This request will allow the applicant to conform to the county's ordinance by properly permitting residential use of the existing building.

A preliminary site plan as well as preliminary architectural renderings were provided to illustrate the proposed uses and project layout. The site plan includes areas designated for open space as well as active recreation open space. Included in the proposal are a swimming pool, playground area, dog park area, seasonal garden area, decorative fountain, and cornhole/game area. The open space proposed meets the requirement for the site; however, the location of some proposed amenities appear to have compatibility issues within the site. For example: the walkway for access to the pool from the proposed multi-family buildings will be between the existing Verizon equipment building and the water tower.

Community Meeting

A community meeting was held on November 23, 2020. The applicant and his engineer were present along with Planning Staff. Employees of Corolla Light Resort as well as neighboring property owners were in attendance. The attendees asked questions regarding the proposal. A community meeting summary is included in the agenda packet as well as a response to the meeting summary that was received from several attendees of the meeting on January 12, 2021.

INFRASTRUCTURE

Water	SOUTHERN OUTER BANKS WATER SYSTEM (SOBWS)
Sewer	CAROLINA WATER SERVICE (PRIVATE)

RECOMMENDATIONS**TECHNICAL REVIEW COMMITTEE**

The Technical Review Committee recommends **denial** of the use permit because the request is not consistent with goals and policies of the Land Use Plan and there are compatibility issues within the site and with surrounding land uses including the requested site-specific density.

USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.**Preliminary Applicant Findings:**

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

1. Transportation: The existing entrance configuration on Shad Street will be utilized with no direct connection to NC12 other than a pedestrian connection to the existing walkway. A driveway permit and encroachment agreement have been approved by NCDOT. Appropriate access has been made for emergency services vehicles.
2. Potable Water: Water will be supplied by Currituck County via existing water mains located on NC 12 and Shad Street. Fire protection will be provided in accordance with the NC Fire Code and applicable ISO standards.
3. Wastewater: Capacity for the development has been allocated by Carolina Water Service in the existing Monterey Shores Wastewater Treatment Facility which is regulated by NCDEQ and the NC Utilities Commission.
4. Stormwater Management: Stormwater will be collected and infiltrated via the existing basin on Shad Street, which will be able to accommodate the small additional impervious coverage proposed for the site.

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. Adjacent properties are a combination of single family and multi-family development; community compatibility standards will be adhered to in the architectural design and

materials that are proposed for the new construction. Landscaping and buffering are also being provided in accordance with the UDO standards and will add to existing vegetative screening that is provided by the significant growth of Live Oaks on the site. The proposed density is lower than that of the adjacent Phase 12 development.

Staff commentary:

Differences between this site and the property to the south, Phase 12, are existing utility uses that impact this parcel and proposed commercial use (restaurant). Phase 12 was developed as 16 duplexes.

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

Please reference the application Attachment "A" in the agenda packet for the applicant findings.

Preliminary Staff Findings:

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

The request does not appear to be in direct conflict with the 2006 Land Use Plan with respect to the proposed mixed-use development and overall density of a PUD nor is it in direct conflict with the Transitional Provisions of the UDO with respect to dimensional and overall density standards for PUDs. However, there are compatibility issues within the site and with surrounding land uses. The site is smaller than an acre and this request proposes commercial, multi-family and utility uses.

The project was not designed or planned from the outset as future mixed-use development. This is evident by the placement of buildings on the property that do not appear to be a compatible mixture of residential, non-residential, and utility uses. The existing utility uses on site make it difficult to design an aesthetic project that is compatible with high density residential use.

The 1982 zoning ordinance that was in effect when the Corolla Light PUD was established stated that a PUD is expected to promote a more efficient use of the land, a higher level of amenities and more creative design than would otherwise be possible. The current ordinance contains similar language regarding planned developments.

It may be reasonable to include residential dwelling units on the Phase 11 property; however, the density proposed appears to overwhelm the site thus making it difficult to design and place a higher level of amenities on the parcel.

The request is not consistent with the following goals and policies of the Land Use Plan

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

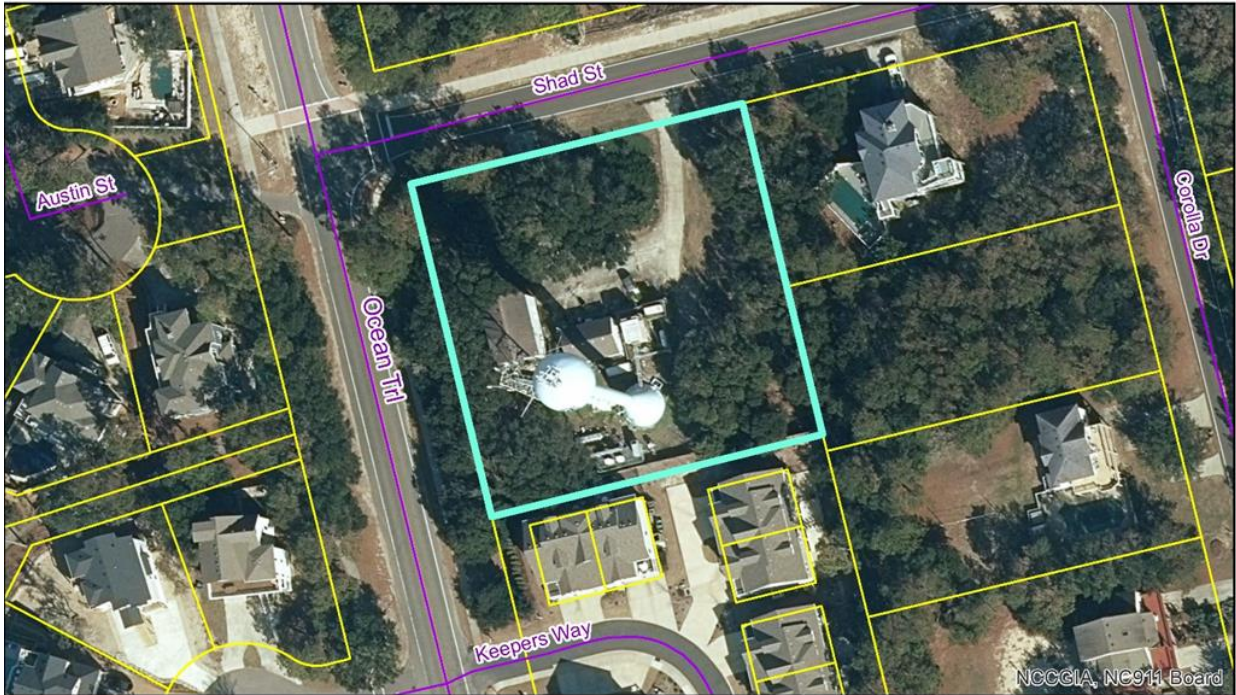
Ensure that development and use of resources or preservation of land minimizes direct and secondary environmental impacts; avoids risks to public health, safety and welfare; and is consistent with the capability of the land based on considerations of interactions of natural and manmade features.

3. POLICY CD8: MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.
4. 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.
5. POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
 2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
6. POLICY HN9: Proposed residential development that would expose residents to the harmful effects of INCOMPATIBLE LAND USES or to ENVIRONMENTAL HAZARDS shall be prohibited. This would include, for example, residential development in locations adversely impacted by proximity to the airport or to activities involving excessive noise, light, odors, dust, fertilizers and insecticides (e.g. certain farm operations, mining activities, etc.).

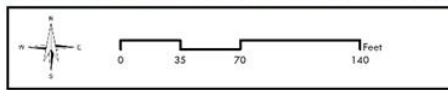
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.


Preliminary Staff Findings:

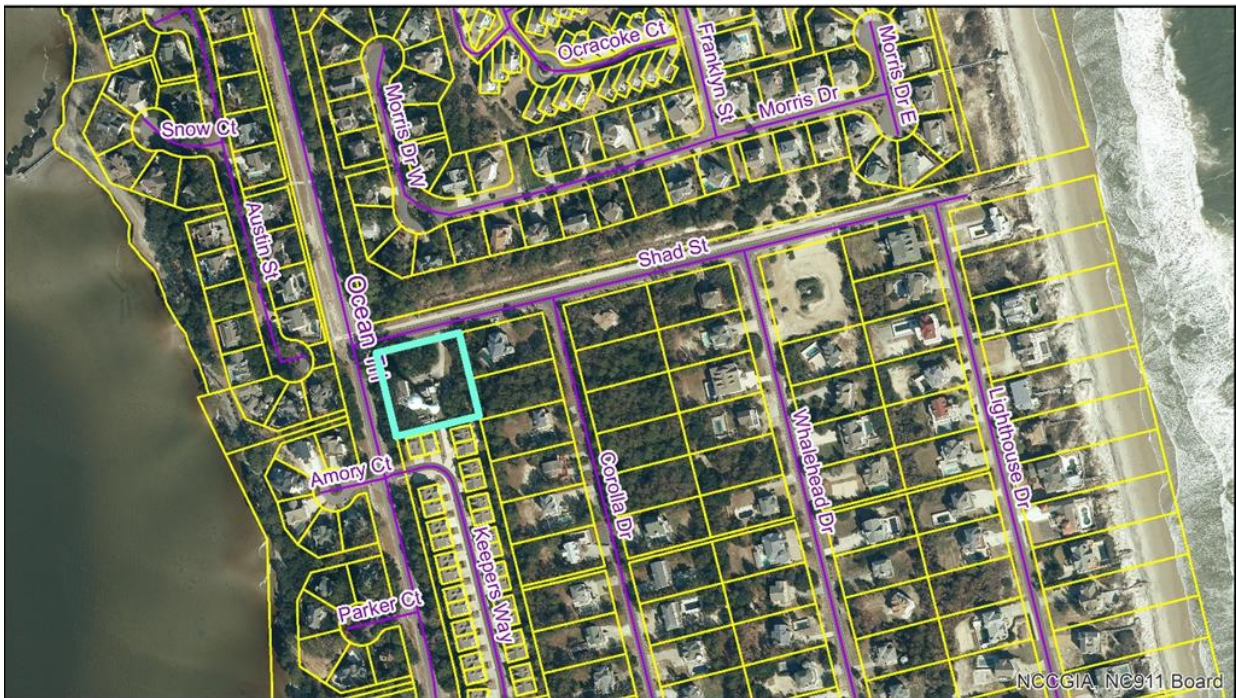
1. The proposed use will not exceed the county's ability to provide adequate public facilities. Utility services are proposed for the site, wastewater and water capacity are available.



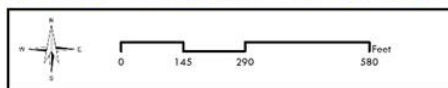
PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
2020 Aerial Photography




 Currituck County
Planning and Community
Development



PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
2020 Aerial Photography

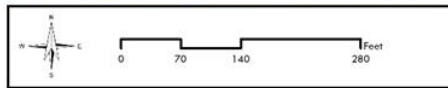


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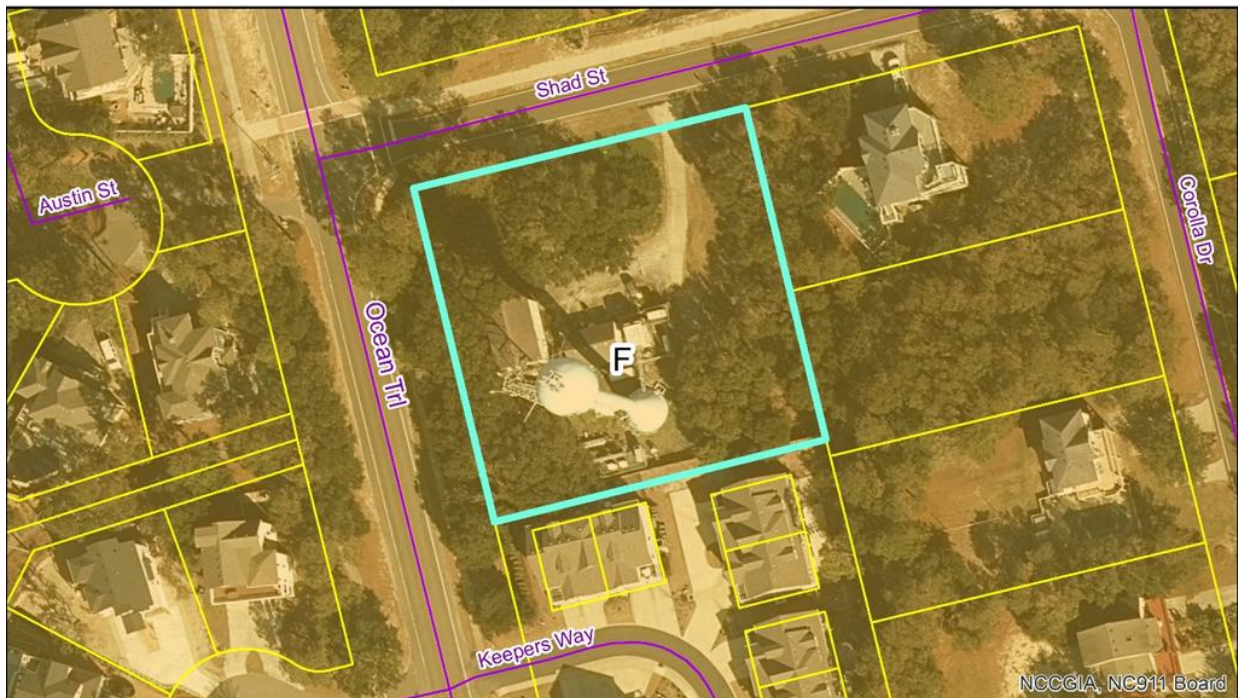
Communication: Minutes for January 19, 2021 (Approval Of Minutes for Jan. 19, 2021 and Special Meeting, Jan. 27, 2021)



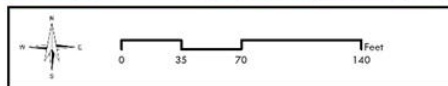
PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
Official Zoning Map



Currituck County
Planning and Community
Development



PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
Land Use Plan Classification



Currituck County
Planning and Community
Development

Parties were sworn in and County Planner, Jennie Turner, reviewed the application, staff report, and supporting documents included in the agenda packet for Commissioners. The overhead was used during presentation to display maps, site plans and renderings. Use

Communication: Minutes for January 19, 2021 (Approval Of Minutes for Jan. 19, 2021 and Special Meeting, Jan. 27, 2021)

Permit review standards and staff preliminary findings were presented. Denial of the application was recommended by the Technical Review Committee (TRC).

Ms. Turner responded to questions during and after presentation and clarified several aspects in the site plan, utility easements, and reviewed the location of the walking path in relation to the towers.

Greg Wills, Attorney for the applicant, addressed the Board and introduced experts to testify on behalf of the applicant.

Mark Bissell, Engineer, provided his background and experience and was tendered as an expert. Mr. Wills submitted his resume into evidence as Exhibit 1. Mr. Bissell reviewed the site plan and used the overhead to show photos of the location. An overview of the application, site and phasing plan, recreation areas, architecture and improvement to existing structure were presented. Mr. Bissell presented information and policies relevant to the findings of fact to support approval of the request.

Mr. Bissell responded to questions during the application review. He said public utilities stated access through the easement was adequate when asked about the existing utilities on the property. Commissioner Beaumont considered the increased density proposed on site and asked if rules existed pertaining to a fall radius for the cell tower. Laurie LoCicero, Planning and Community Development Director, later reported that no specific information was found in the Unified Development Ordinance in effect at that time to address a fall zone.

President of Outer Banks Ventures, Richard Willis, provided his education, experience and role as Project Manager during development of the Corolla Light community. He responded to questions posed by Commissioner White. Mr. Willis said he has lived on the property since 2012. He said he believed he had right to residential use at the location and described the removal of the water utility from the site, with the exception of the existing water tower now used by Southern Outer Banks Water System. He said there is no operational activity on the site for the water tower or cell tower. Mr. Willis was agreeable to fencing areas of concern for public safety. Mr. Willis and Mr. Wills emphasized access over the utility easements would continue, and since no mention of the fall radius for the cell tower were made during the application process, they would like an opportunity to address concerns if it becomes an issue.

Chairman Payment briefly recessed at 3:42 PM. The meeting reconvened at 3:50 PM.

Steven Craddock, North Carolina Certified Appraiser, provided his education and background to be tendered as an expert witness in real estate appraisals. Mr. Wills submitted Mr. Craddock's resume for the record as Exhibit 2. Mr. Craddock presented historic and current market trends for Corolla, home pricing and sales data, and reviewed information based on his inspection of the subject property and adjoining and abutting properties. He said the property is not at its highest and best use currently, and the proposed use will improve the property, better meet commercial demand in the area, and benefit the county's tax base. Mr. Craddock recommends approval of the request, determined through assessment, that the use will not injure the value of adjoining or abutting land and will be in harmony with the area. He provided comment relative to the fall zone of the cell tower and noted the subdivision south of the location would be within the fall zone of the tower. Mr. Craddock responded to questions about the data used for analysis, methods, and experience assessing multi-family next to single-family.

Chairman Payment opened the Public Hearing.

Pat Roberts, Assistant General Manager of Corolla Light Resort and homeowner to the south of the subject property, opposes approval of the request. He cited concerns similar to those expressed by the Technical Review Committee and highlighted public safety concerns with the increased density and the mix of uses on the parcel. He discussed drainage and expressed concerns with maintenance of the property. In response to questions, Mr. Roberts said it is his understanding that the proposed residences to be constructed would not meet the criteria that would allow the use of the Corolla Light amenities. He said no identifying signage is located at the site.

Bruce Yeutter, of Corolla, and owner of the fifth house built in the Corolla Light development, presented a history of the community and noted his support for other proposals years ago. He opposes approval of the request because the proposal is in conflict with Corolla Light's architectural standards and does not conform to the neighborhood. He expressed disappointment with the approach to development in Corolla Light the last several years, believing it is all for profit. When asked about the Village Shops, commercial in Corolla Light, he said they were included in the original design and were not a surprise along the way. He discussed challenges with the community meeting and disagreed with how some of the comments were expressed in the summary.

Ms. LoCicero was asked to discuss the process followed for additional density that was applied to Corolla Light Planned Unit Development. She explained Beacon Quarters were condo units and went through an administrative process because condos do not require approval by the Board of Commissioners. She discussed Land Use Plan policies referenced during the applicant's presentation and said the policies are general in nature and open to interpretation.

No others wished to speak and Chairman Payment closed the Public Hearing.

Commissioner White made a motion to table the item to the February 1, 2021, Board of Commissioners meeting to allow time to consider the request and work through conditions. Commissioner Jarvis seconded the motion. The motion carried, 7-0.

RESULT:	TABLED [UNANIMOUS]	Next: 2/1/2021 6:00 PM
MOVER:	Bob White, Commissioner	
SECONDER:	Selina S. Jarvis, Commissioner	
AYES:	Michael H. Payment, Commissioner, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner	

B. PB 18-23: Fost Development, PRD (Phases 1-5)-

Property Owner: Moyock Development LLC 417-D Caratoke Hwy Moyock NC 27958	Applicant: Moyock Development LLC 417-D Caratoke Hwy Moyock NC 27958
Case Number: PB 18-23	Application Type: Amended Preliminary Plat/Use Permit

Parcel Identification Number: 0015-000-0086-0000	Existing Use: Planned Development under construction
Land Use Plan Classification: Full Service	Parcel Size (Acres): 137.18 (Phases 1-5) 228.28 (Total)
Moyock Small Area Plan Classification: Limited Service	Zoning: PD-R
Number of Units: 301	Overall Project Density (units/acre): 2.19
Required Open Space (Acres): 41.15	Provided Open Space (Acres): 44.95

SURROUNDING PARCELS		
	LAND USE	ZONING
NORTH	SINGLE-FAMILY DWELLINGS, RETAIL	AG, GB, SFM
SOUTH	SINGLE-FAMILY DWELLINGS, CULTIVATED FARMLAND	AG, SFM
EAST	SINGLE-FAMILY DWELLINGS, CULTIVATED FARMLAND	GB, SFM
WEST	SINGLE-FAMILY DWELLINGS, CULTIVATED FARMLAND	AG

On January 21, 2020, the Board of Commissioners approved the Preliminary Plat/Use Permit for Phases 1-5 of Fost Planned Development (see attached). The developer is requesting an amended approval to:

- Remove on-site WWTP and allow connection to the newly approved private Currituck Water and Sewer Inc private facility at Eagle Creek
- Remove the RV parking from Phase 1 and provide a temporary RV parking area for Phase 1
- Shift location of clubhouse slightly north and enlarge pond beside it
- Modify phasing lines
- Modify boundary lines to match actual field survey
- Resultant modifications to open space boundaries

The Board of Commissioners approved the below phasing plan as part of the project approval. The proposed amended phasing plan changes are noted.

Phase Numbers	Number of Dwelling Units	Projected Recording Date
1	71	October 2020
2	65	April 2021
3	55 51	October 2021
4	73 77	April 2022
5	37	October 2022

Providing adequate public facilities for this development remains a concern since the elementary schools and high schools are near or over 100% committed capacity. (See

Adequate Public Facilities – Schools Table below). However, it should be noted that the students generated from Fost, Phases 1-5, are vested since the Board of Commissioners approved the Preliminary Plat/Use Permit previously.

ADEQUATE PUBLIC FACILITIES – SCHOOLS¹				
School	2019-2020 2020-2021 Actual Capacity²	2021-2022 Actual Capacity³	Committed Capacity³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	109%	115%	126%	
Shawboro Elementary	94%	97%		
Central Elementary	80%	89%		
Griggs Elementary	56%	59%	101%	
Jarvisburg Elementary	82%	88%		
Knotts Island Elementary	35%	36%	36%	
Moyock Middle	95%	79%	93%	
Currituck Middle	61%			
Currituck High	84%	86%	106%	
JP Knapp Early College	93%			

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

²Capacity percentages are based on 2019-2020 and 2020-2021 school year classroom standards and August 2020 ADM

³Capacity percentages are based on the 2021-2022 school year classroom standards and August 2020 ADM

The developer held a community meeting on September 23, 2020 at the Eagle Creek Pavilion. Three residents attending the meeting. All were from Ranchland and asked questions about how the sewer would work, entrance locations, drainage ditch improvements to help Ranchland, and berm location.

INFRASTRUCTURE	
Water	Public
Sewer	Private Centralized System (on-site at Eagle Creek)
Transportation	Pedestrian: A series of sidewalks and pedestrian trails; The developer must install an 8' multi-use path along the Caratoke Highway property line as required by the Connect Currituck Plan.
	Connectivity Score: Minimum = 1.6 Proposed = 1.67 <ul style="list-style-type: none"> • One Connection to Caratoke Highway • One Connection to Moyock Farms • Four connections to Flora Farm
Stormwater/Drainage	See attached map for required stormwater/drainage improvements (PB 18-23 Fost PD-R Rezoning Stormwater Conditions dated 7/2019 prepared by engineering staff)
Design Standards	Multi-family design standards apply to the townhomes.
Lighting	Street lights are proposed and must be full cut-off fixtures

Communication: Minutes for January 19, 2021 (Approval Of Minutes for Jan. 19, 2021 and Special Meeting, Jan. 27, 2021)

Landscaping	Farmland buffers, WWTP/utility buffers, street trees, major arterial screening, and site landscaping are required
Compatibility	The BOC determined that this development was compatible with the Land Use Plan, Moyock Small Area Plan, and the surrounding neighborhoods at its May 6, 2019 meeting.
Recreation and Park Area Dedication	The applicant will be paying approximately \$27,021 as a fee-in-lieu of recreation and park area dedication for these phases.
Riparian Buffers	There are no wetlands in these phases.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

TRC RECOMMENDS APPROVAL OF THIS REQUEST PROVIDED:

- The application complies with all applicable review standards, so long as the following items are adequately addressed:
 - July 2019 required stormwater improvements remain unchanged (attached).
 - The amended phasing schedule must be adhered to.
- The applicant has demonstrated that the proposed use will meet the use permit review standards of the UDO.
- 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 all items in Number 1 above.

USE PERMIT REVIEW STANDARDS

A USE PERMIT SHALL BE APPROVED ON A FINDING THAT THE APPLICANT DEMONSTRATES THE PROPOSED USE WILL MEET THE BELOW REQUIREMENTS. ON JANUARY 21, 2020 THE BOARD OF COMMISSIONERS ADOPTED THE FOLLOWING FINDINGS OF FACT THAT REMAIN RELEVANT WITH THE AMENDED PLAN REQUEST.

The use will not endanger the public health or safety.

PRELIMINARY APPLICANT FINDINGS:

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

- Transportation: The main subdivision entrance will be connected directly to NC 168 (Croatan Highway). Deceleration and acceleration lanes will be provided in accordance with NCDOT Standards and will be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast (Auction Site) and to the west.
Roadways will be laid out generally as shown on the Master Plan and will be in accordance with the approved right-of-way and pavement width characteristics, using the NCDOT complete streets planning manual as a guide.
Appropriate access has been made for emergency service vehicles in accordance with applicable standards including the N.C. Fire Code.

2. Potable Water: Water will be supplied by Currituck County via an existing 12" main located on Caratoke Highway, which will be tapped and looped through the site. Fire protection will be provided in accordance with UDO Standards and the applicable ISO standards. The water system will be modeled to demonstrate adequate flow and pressure for fighting fires while meeting the maximum day domestic demand.
3. Wastewater: Centralized wastewater treatment and disposal facility will be provided in accordance with North Carolina Standards and approved by NCDEQ and/or NCDHHS. A wastewater collection system will be constructed by the developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission.
4. Stormwater Management: A major drainage way known as Rowland Creek Canal runs through the development property. Due to the importance of this drainage feature not only to the development but to other properties located both upstream and downstream of this property, the Developer has committed to cleaning and laying back the slopes and stabilizing the portion of Rowland Creek that runs from Eagle Creek Subdivision to the railroad next to NC 168. The Developer has also committed to improving the common property line ditch along Ranchland and the Auction property, and to excavate a new ditch that would be available to Ranchland along the common property line from the Auction site (PIN 002300000070000) to south of the power easement. Subject to obtaining right of entry to other properties, the Developer will also improve the sections of Rowland Creek downstream of the Fost property that require maintenance.
On-site stormwater will be managed by constructing a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater to existing outlets.
In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard of the difference between runoff from the 10-year developed condition and runoff from a 2- year wooded condition site, stormwater will be modeled for the 100-year storm without adversely impacting neighboring properties. Implementation of this plan should improve drainage for neighboring properties compared to existing conditions.
Stormwater will be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes, and open vegetated swales.

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:

Land use to the west is agricultural, with one dwelling unit located approximately 435 feet from the nearest property line and approximately 565 feet from the nearest structure. Land use to the north, across the railroad and Caratoke Highway is commercial, land to the east is farmland and residential lots, and land to the south is residential lots. Perimeter compatibility is being addressed as follows:

1. To the west: A 50 foot farm buffer is being provided, followed by a 60 foot roadway corridor, so the nearest dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer is also being provided along that property line.
2. To the north (Caratoke Highway): A berm is being provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will

be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development will be minimized by setbacks, berms and landscaping.

3. To the east: A 50 foot vegetative farm buffer is being provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. Even though the dwelling types are believed to be compatible, a minimum 50 foot buffer is being provided between the developments.
4. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line.
5. Limited commercial development proposed to be located interior to the development and will front along the landscaped entrance boulevard.
6. Lot size ratios and density ratios are comparable to other developments that have been approved in the immediate area and in other parts of Moyock.

The applicant is not aware of any adverse impacts on land value in the surrounding area. The applicant anticipates that its proposed stormwater improvements may benefit the property values of the nearby Ranchland community. The Development is anticipated to increase the values of nearby properties by improving existing drainage problems.

The site is adjacent to non-agricultural activities including the Ranchland neighborhood to the south and southeast, and commercial and residential uses to the east. The site is also in close proximity to the Eagle Creek neighborhood. The proposed use is compatible with these adjacent uses and furthers the County's goal of concentrating new residential development in the vicinity of existing residential development. Nearby communities include existing planned communities of 588 lots to the west, a 275 lot subdivision to the east and 426 lots under development to the north of Caratoke Highway, all in the vicinity of the Fost tract. The development is appropriate for the location as it continues existing development patterns in this part of Moyock. Lot area ratios and density ratios are consistent with other developments that have been approved recently nearby and in other parts of Moyock.

[The use will be in conformity with the Land Use Plan or other officially adopted plans.](#)

PRELIMINARY STAFF FINDINGS:

1. AT ITS MAY 6, 2019 MEETING, THE BOC DETERMINED THAT THIS DEVELOPMENT WAS COMPATIBLE WITH THE LAND USE PLAN, MOYOCK SMALL AREA PLAN, AND THE SURROUNDING NEIGHBORHOODS BECAUSE:
 - a. THE PROPOSED CONDITIONS FOR THE PROPERTY WILL IMPROVE DRAINAGE PROBLEMS ON THE PROPERTY AND WITH NEARBY RANCHLAND SUBDIVISIONS IF IMPROVEMENTS CAN BE MADE TO DRAINAGE SYSTEM ON OFF-SITE PROPERTIES, AND;
 - b. THE PDR IS COMPATIBLE WITH EXISTING MOYOCK TOWNSHIP SUBDIVISIONS.

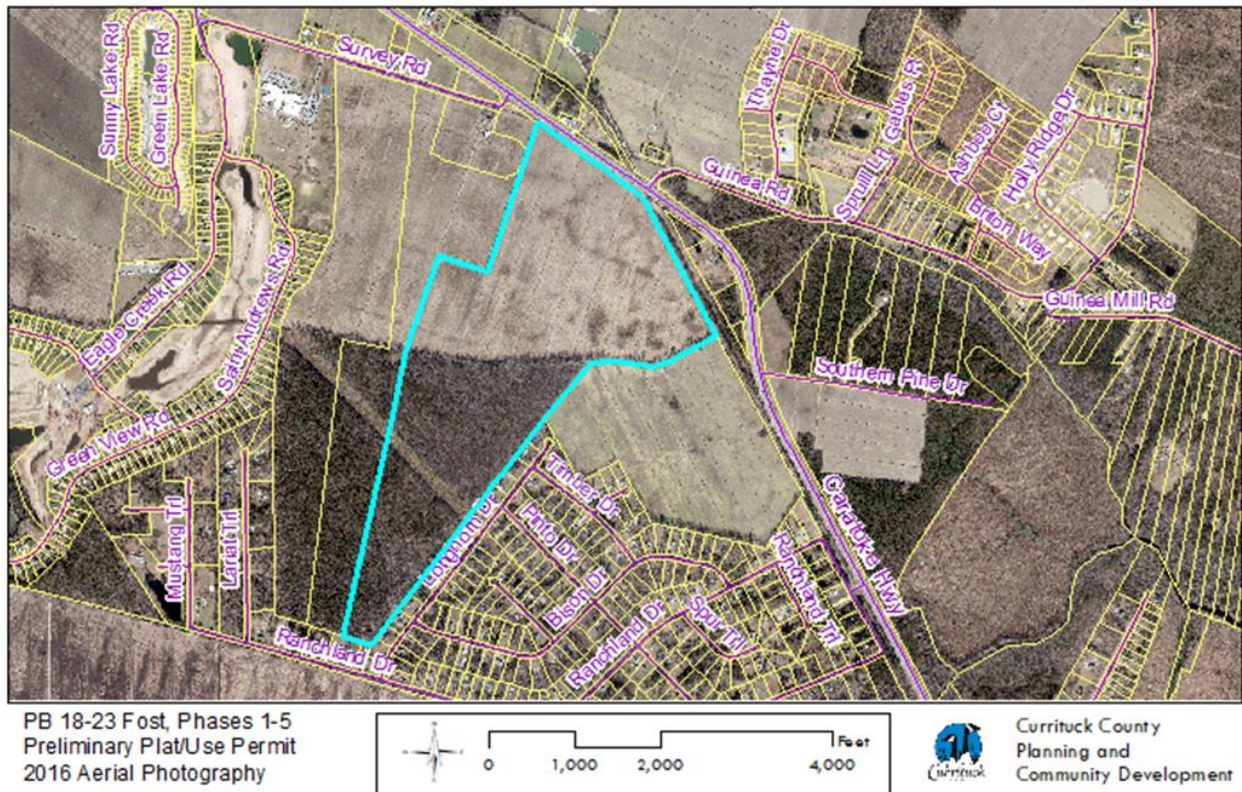
[The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities.](#)

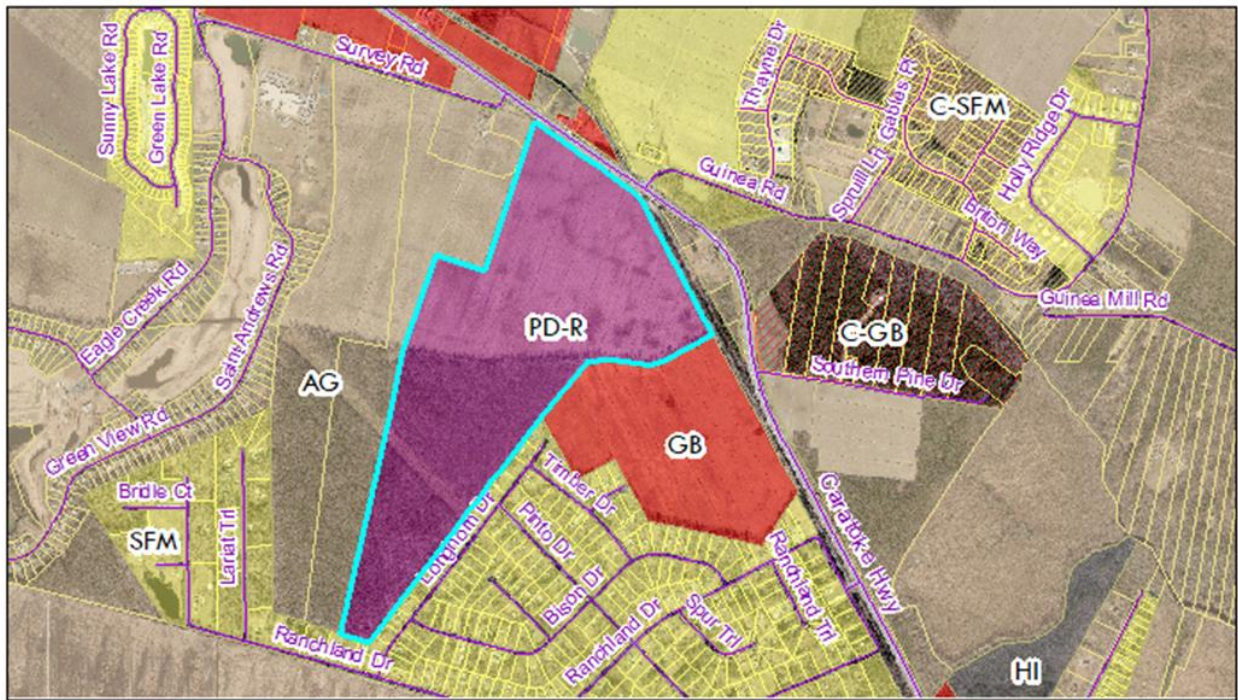
Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

PRELIMINARY STAFF FINDINGS:

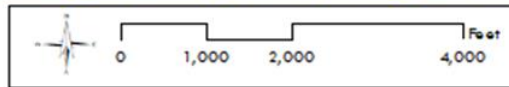
1. On December 11, 2019 the Board of Education revised its statement about the school district and determined that this development is entirely within the Shawboro school district. The Superintendent also advised that Shawboro Elementary School has capacity for the 119 elementary students this development is projected to generate, with Phases 1-5 expected to generate 75 of those students, based on the July 9, 2004 Tischler Study Student Generation Rates.
2. The county can provide adequate facilities, including but not limited to fire, emergency services, and law enforcement to serve the development.
3. The following amended phasing schedule shall be adhered to:

Phase Numbers	Number of Dwelling Units	Projected Recording Date
1	71	October 2020
2	65	April 2021
3	51	October 2021
4	77	April 2022
5	37	October 2022

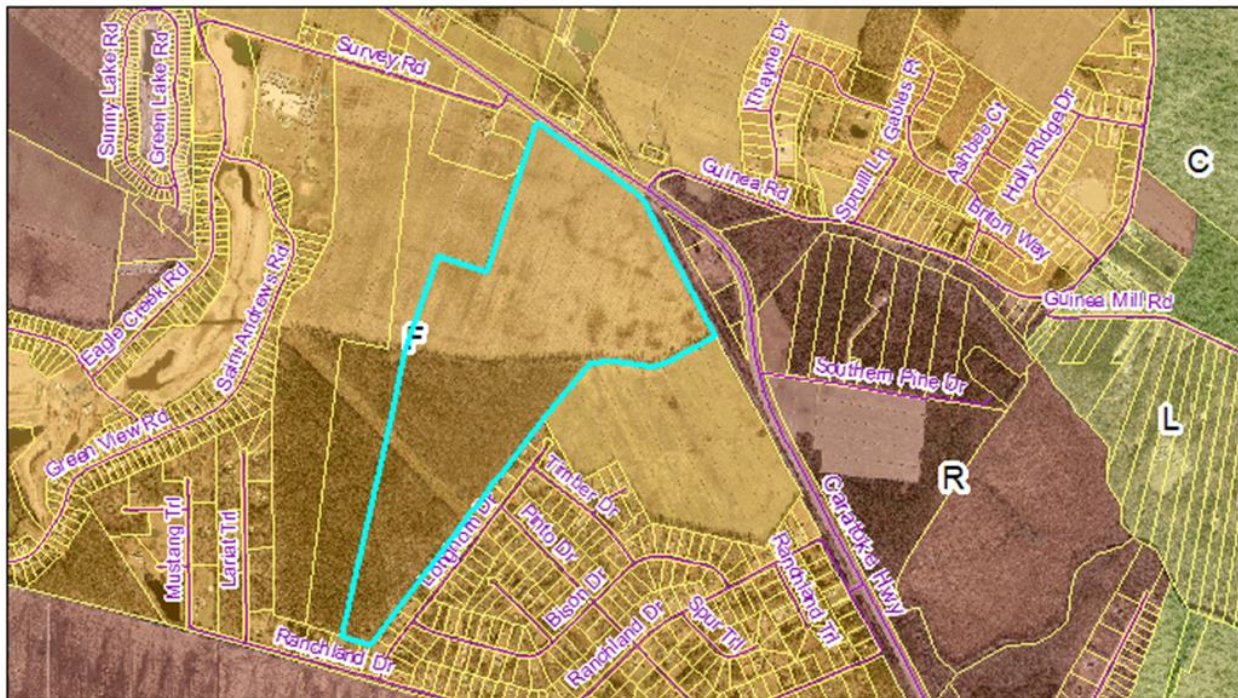




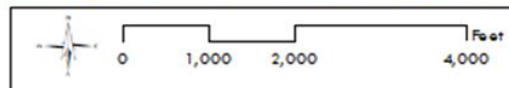
PB 18-23 Fost, Phases 1-5
Preliminary Plat/Use Permit
Zoning



Currituck County
Planning and
Community Development

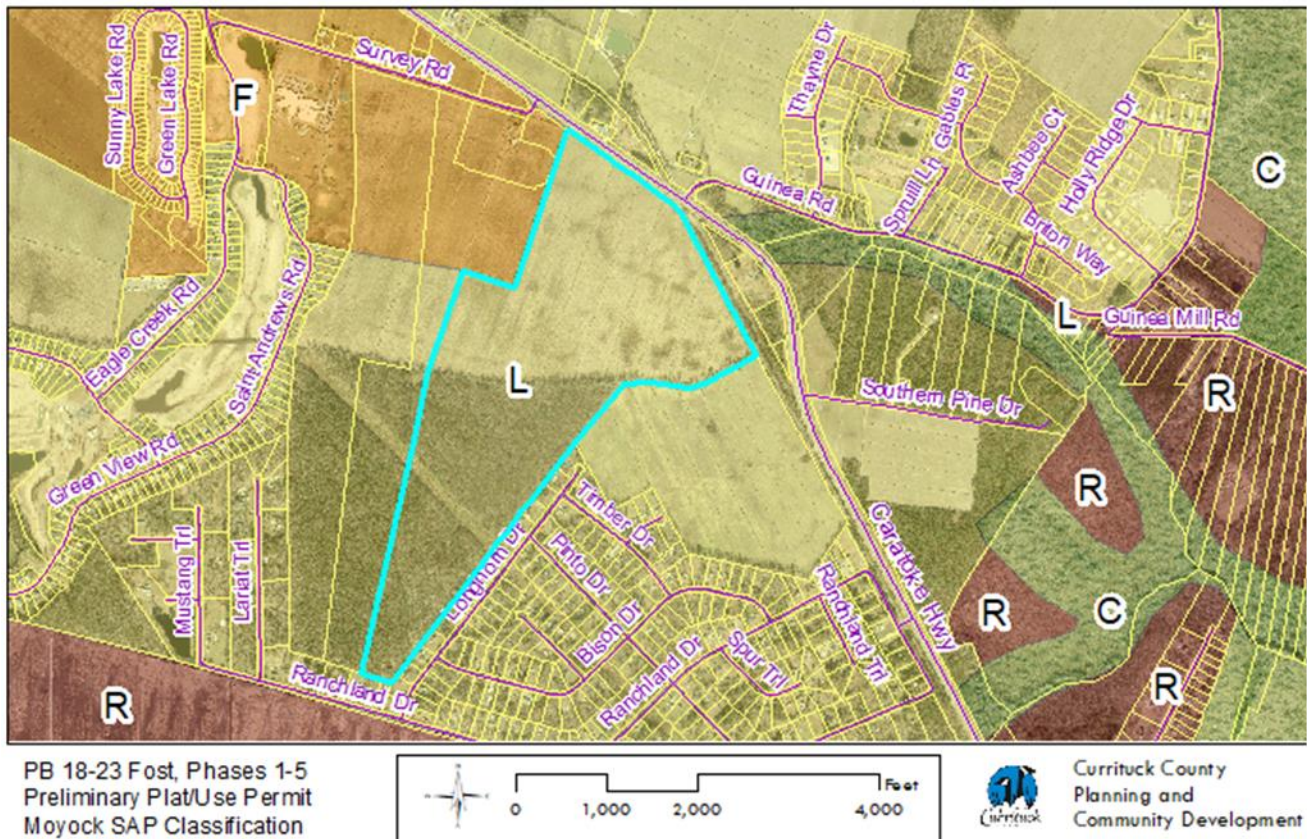


PB 18-23 Fost, Phases 1-5
Preliminary Plat/Use Permit
LUP Classification

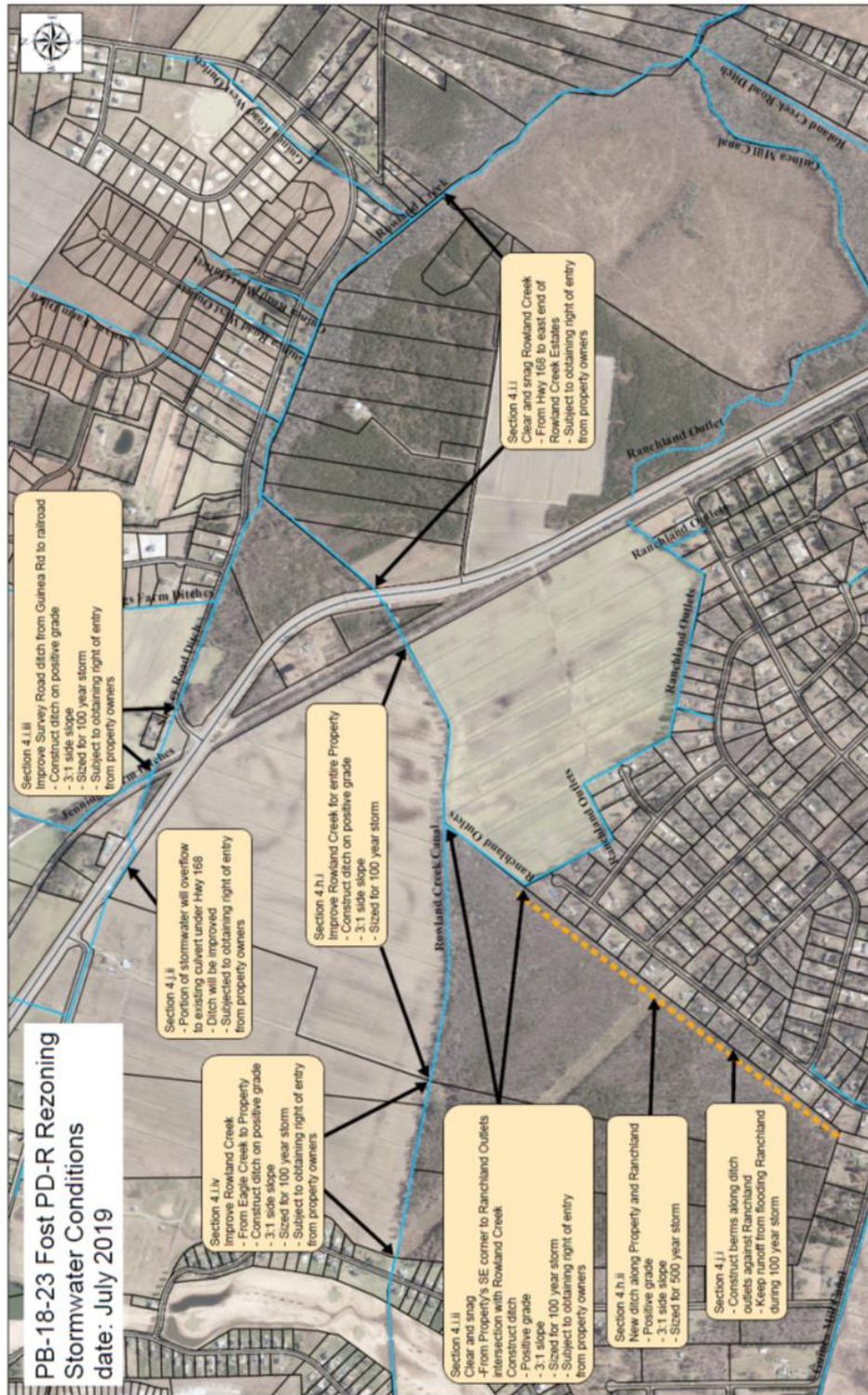


Currituck County
Planning and
Community Development

Communication: Minutes for January 19, 2021 (Approval Of Minutes for Jan. 19, 2021 and Special Meeting, Jan. 27, 2021)



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



Parties were sworn in and Planning and Community Development Director, Laurie LoCicero, reviewed the application, staff report, and supporting documents included in the agenda

packet for Commissioners. The overhead was used during presentation to display maps, site plan revisions and stormwater conditions from the original approval. Use Permit review standards and staff preliminary findings were presented to support the Technical Review Committee (TRC) recommendation for approval of the request.

During presentation, Ms. LoCicero responded to questions related to the various amendments the Board has previously considered for the Fost Tract development.

Mark Bissell, Engineer for the applicant, said no Attorney for the applicant was present for the hearing. County Attorney, Ike McRee, provided a statement to inform the Board that Mr. Bissell, acting as the applicant's representative, would be considered as practicing law without a license. Mr. Bissell chose to proceed with the hearing.

Mr. Bissell said the purpose for the application is to amend the Use Permit so it will correspond with the revised PD-R (Planned Development-Residential) plan approved by the Board in November which allowed the development to hook up to a major central wastewater utility. Mr. Bissell responded to questions relative to earlier revisions in the Fost development plan. He said the County's Unified Development Ordinance does not allow staff to make minor changes, and therefore all revisions must be brought to the Board for approval. Responding to questions about wastewater, he said he had no specific details on the status of the Eagle Creek wastewater utility, but the utility is in contact with the Department of Environmental Quality and the Utilities Commission. He reviewed the changes requested in the application. Findings of fact consistent with those in the original approval were reviewed.

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

Commissioner J. Owen Etheridge moved for approval of PB 18-23: Fost, Phases 1-5, Amended Preliminary Plat/Use Permit, with staff recommendations because the applicant has demonstrated the proposed use meets the use permit review standards of the Unified Development Ordinance (UDO).

The use will not endanger the public health or safety. Transportation, potable water, wastewater and stormwater management will be addressed in accordance with the following:

1. Transportation: The main subdivision entrance will be connected directly to NC 168 (Caratoke Highway). Deceleration and acceleration lanes will be provided in accordance with NCDOT Standards and will be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast (Auction Site) and to the west. Roadways will be laid out generally as shown on the Master Plan and will be in accordance with the approved right-of-way and pavement width characteristics, using the NCDOT complete streets planning manual as a guide. Appropriate access has been made for emergency service vehicles in accordance with applicable standards including the N.C. Fire Code.
2. Potable Water: Water will be supplied by Currituck County via an existing 12" main located on Caratoke Highway, which will be tapped and looped through the site. Fire protection will be provided in accordance with UDO Standards. The water system will be modeled to demonstrate adequate flow and pressure for

- fighting fires while meeting the maximum day domestic demand.
3. Wastewater: Centralized wastewater treatment and disposal facility will be provided in accordance with North Carolina Standards and approved by NCDEQ and/or NCDHHS. A wastewater collection system will be constructed by the developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission.
 4. Stormwater Management: A major drainage way known as Rowland Creek Canal runs through the development property. Due to the importance of this drainage feature not only to the development but to other properties located both upstream and downstream of this property, the Developer has committed to cleaning and laying back the slopes and stabilizing the portion of Rowland Creek that runs through the Eagle Creek Subdivision to the railroad next to NC 168. The Developer has also committed to improving the common property line ditch along the Ranchland and Auction property, and to excavate a new canal that would be available to Ranchland along the common property line from the Auction site (PIN 002300000070000) to south of the powerline easement. Subject to obtaining right of entry to other properties, the Developer will also improve the sections of Rowland Creek downstream of the Fost property that require maintenance. On-site stormwater will be managed by constructing a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater to existing outlets. In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard of the difference between runoff from the 10-year developed condition and runoff from a 2- year wooded condition site, stormwater will be modeled for the 100-year storm without adversely impacting neighboring properties. Implementation of this plan should improve drainage for neighboring properties compared to existing conditions. Stormwater will be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes, and open vegetated swales.

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 use to the west is agricultural, with one dwelling unit located approximately 435 feet from the nearest property line and approximately 565 feet from the nearest structure. Land use to the north, across the railroad and Caratoke Highway is commercial, land to the east is farmland and residential lots, and land to the south is residential lots. Perimeter compatibility is being addressed as follows:

1. To the west: A 50 foot farm buffer is being provided, followed by a 60 foot roadway corridor, so the nearest dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer is also being provided along that property line.
2. To the north (Caratoke Highway): A berm is being provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development will be minimized by setbacks, berms and landscaping.
3. To the east: A 50 foot vegetative farm buffer is being provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland

subdivision. Even though the dwelling types are believed to be compatible, a minimum 50 foot buffer is being provided between the developments.

4. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line.
5. Limited commercial development proposed to be located interior to the development and will front along the landscaped entrance boulevard.
6. Lot size ratios and density ratios are comparable to other developments that have been approved in the immediate area and in other parts of Moyock.

The applicant is not aware of any adverse impacts on land value in the surrounding area. The applicant anticipates that its proposed stormwater improvements may benefit the property values of the nearby Ranchland community. The Development is anticipated to increase the values of nearby properties by improving existing drainage problems.

The site is adjacent to non-agricultural activities including the Ranchland neighborhood to the south and southeast, and commercial and residential uses to the east. The site is also in close proximity to the Eagle Creek neighborhood. The proposed use is compatible with these adjacent uses and furthers the County's goal of concentrating new residential development in the vicinity of existing residential development. Nearby communities include existing planned communities of 588 lots to the west, a 275-lot subdivision to the east and 426 lots under development to the north of Caratoke Highway, all in the vicinity of the Fost tract. The development is appropriate for the location as it continues existing development patterns in this part of Moyock. Lot area ratios and density ratios are consistent with other developments that have been approved recently nearby and in other parts of Moyock.

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

At its May 6, 2019 meeting, the BOC determined that this development was compatible with the LUP, Moyock Small Area Plan, and the surrounding neighborhoods because:

1. The proposed conditions for the property will improve drainage problems on the property and with nearby Ranchland subdivisions if improvements can be made to drainage system on off-site properties, and;
2. The PDR is compatible with existing Moyock Township subdivisions.

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

1. On December 11, 2019 the Board of Education revised its statement about the school district and determined that this development is entirely within the Shawboro school district. The Superintendent also advised that Shawboro Elementary School has capacity for the 119 elementary students this development is projected to generate, with Phases 1-5 expected to generate 75 of those students, based on the July 9, 2004 Tischler Study Student Generation Rates.
2. The county can provide adequate public facilities, including but not limited to fire, emergency services, and law enforcement to serve the development.

Commissioner McCord seconded the motion. The motion carried on a 6-1 member vote,

with Commissioner Mary Etheridge opposed.

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

NEW BUSINESS

A. Consideration of Resolution Assigning County Property Located at 117 North Point Boulevard, Moyock, North Carolina for Economic Development Purposes

County Attorney, Ike McRee, described the two-step process required pertaining to setting aside property for Economic Development purposes in consideration of a future long-term lease of the subject property. Mr. McRee reviewed the Resolution for Board consideration that would set the property aside. A subsequent meeting would consist of a Public Hearing for consideration of a lease agreement with Truck Accessory Center for the property.

Following review, Commissioner J. Owen Etheridge moved for adoption of the Resolution. Commissioner Beaumont seconded the motion. The motion carried, 7-0.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA ASSIGNING CERTAIN COUNTY PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES

WHEREAS, in 2008 Currituck County acquired property at 117 North Point Boulevard, Moyock, North Carolina and thereafter utilized the property for travel and tourism purposes in conjunction with adjacent county property located at 106 Caratoke Highway, Moyock, North Carolina; and

WHEREAS, it is no longer necessary to use all the property located at 117 North Point Boulevard, Moyock, North Carolina for travel and tourism purposes and because the property is in a General Business Zoning District it is appropriate to utilize a portion of the property for economic development purposes; and

WHEREAS, Currituck County desires to hold a portion of the property located at 117 North Point Boulevard, Moyock, North Carolina for lease to a private company for its use and enhancement of economic development in the county.

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

Section 1. A portion of the county's property located at 117 North Point Boulevard, Moyock, North Carolina previously held for travel and tourism

purposes, more particularly described below, is now held by the county for economic development purposes pursuant to N.C. Gen. Stat. §158-7.1:

Beginning at an existing iron rebar situated in the southwest corner of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry, the northeast corner of Lot 55, Phase 2, North Point Subdivision, more particularly shown at Plat Cabinet D, Slide 76 of the Currituck County Registry and northwest corner of Frank C. Bernard, Jr. and wife, Phyllis A. Bernard property more particularly described at Deed Book 283, Page 179 of the Currituck County Registry; thence from the point of beginning along the western boundary line of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry North 32 degrees 59 minutes 55 seconds West 167.00 feet to a point, cornering; thence North 57 degrees 00 minutes 05 seconds East 274.85 feet to a set rebar in the southeastern boundary line of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry, cornering; thence South 32 degrees 59 minutes 55 seconds East 167.00 feet to a set rebar; thence South 57 degrees 00 minutes 05 seconds West 274.85 feet to the point and place of beginning.

Section 2. This resolution is effective upon its adoption and supersedes any prior or conflicting resolution.

ADOPTED the 19th day of January 2021.

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

B) Consent Agenda

Commissioner Beaumont moved for approval of the Consent Agenda. Commissioner White seconded the motion. The motion carried, 7-0.

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

1. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10511-502000	Salaries - Reg	\$ 16,300	
10511-502100	Overtime	\$ 1,000	
10511-505000	FICA	1,325	
10511-506000	Health Insurance	3,280	
10511-507000	Retirement Expense	2,750	
10511-536000	Uniform	4,500	
10511-532000	Supplies	900	
10511-590000	Capital Outlay	10,430	
10320-411000	Article 39 Sales Tax		40,485
		<u>\$ 40,485</u>	<u>\$ 40,485</u>
Explanation:	Detention Facility (10511) - Increase appropriations for an additional detention officer to provide security at the courtroom. Uniforms, supplies and capital will equip one new detention officer and one existing part-time officer with uniform, weapon and mobile radio.		
Net Budget Effect:	Operating Fund (10) - Increased by \$40,485.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10430-503000	Salaries - Election Part-time	\$ 50	
10430-503430	Salaries - Poll Workers	1,667	
10430-505000	FICA	132	
10510-503000	Salaries - Sheriff Part-time	90	
10510-503500	Salaries - Sheriff Temporary	103	
10510-505000	FICA	15	
10511-503000	Salaries - Detention Part-time	95	
10511-505000	FICA	8	
10512-503000	Salaries - Animal Services Part-time	190	
10512-503500	Salaries - Animal Services Temp	25	
10512-505000	FICA	17	
10530-503500	Salaries - EMS Temporary	686	
10530-505000	FICA	53	
10550-503000	Salaries - Airport Part-time	171	
10550-505000	FICA	13	
10790-503000	Salaries - Library Part-time	141	
10790-505000	FICA	11	
10795-503500	Salaries - Recreation Temporary	909	
10795-505000	FICA	70	
10320-411000	Article 39 Sales Tax		\$ 4,446
		\$ 4,446	\$ 4,446
Explanation: Various Departments - Increase appropriations to provide bonus pay for all employees with less than 750 hours. Employees must have worked between November 1, 2019 and October 31, 2020 and been an active employee on December 1, 2020. This prorates the \$250 amount approved for full time employees by actual hours worked. The minimum bonus amount will be \$25 per employee. This will be paid on the regular check run that will be paid on February 10, 2021.			
Net Budget Effect: Operating Fund (10) - Increased by \$4,446.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10430-511000	Telephone & Postage	\$ 1,000	
10430-532000	Supplies	\$ 2,000	
10430-532100	Ballot Programs & Imprint		3,000
		\$ 3,000	\$ 3,000
Explanation: Elections (10430) - Transfer budgeted funds for increased costs of the November 2020 election.			
Net Budget Effect: Operating Fund (10) - No change.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10480-508000	Supplemental Pension	\$ 3,200	
10480-532000	Supplies	1,000	
10480-557300	Excise Tax on Deeds	900,000	
10480-557400	Children's Trust Funds	1,000	
10480-558100	Domestic Violence Center	6,000	
10320-407000	Marriage License		7,000
10320-410000	Deed Stamp Excise Tax		904,200
		\$ 911,200	\$ 911,200
Explanation: Register of Deeds (10480) - Increase appropriations due to increases in the real estate market over the past several months. These increased expenses are specifically related to increased off-setting revenues.			
Net Budget Effect: Operating Fund (10) - Increased by \$911,200.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10441-511010	Data Transmission	\$ 2,500	
10320-411000	Article 39 Sales Tax		2,500
		\$ 2,500	\$ 2,500
Explanation: Information Technology (10441) - Increased data transmission costs due to added costs for remote working.			
Net Budget Effect: Operating Fund (10) - Increased by \$2,500.			

2. Nextel Communications of the Mid-Atlantic, Inc. ("Sprint") Cell Tower Upgrades, Corolla

3. Memorandum of Understanding-State of NC and Currituck County Department of Social Services

4) Approval Of Minutes-January 4, 2021

1. Minutes for January 4, 2021

RECESS

Chairman Payment recessed the Board of Commissioners meeting to hold a Special Meeting of the Tourism Development Authority.

SPECIAL MEETING-TOURISM DEVELOPMENT AUTHORITY

The Board of Commissioners sat as the Tourism Development Authority during a recess of the January 19, 2021, Board of Commissioners Special Meeting. The meeting was held in the Historic Courthouse Board Meeting Room, 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering budget amendments.

TDA-Budget Amendments

Chairman Payment called the meeting to order and County Manager, Ben Stikeleather, reviewed the purpose for each of the Budget Amendments to be considered by the Tourism Development Authority.

Commissioner White moved for approval of the amendments following review. The motion was seconded by Commissioner Beaumont. The motion carried, 7-0.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
15447-587014	T T - Carova Beach Road Dist	\$ 6,781	
15320-415000	Occupancy Tax		\$ 6,781
		\$ 6,781	\$ 6,781
Explanation:	Occupancy Tax - Tourism Related Expenses (15447) - Transfer funds to the Carova Beach Road District to offset the 25% reduction in collections from Tour Operator Permits for the 2020 summer season.		
Net Budget Effect:	Occupancy Tax Fund (15) - Increased by \$6,781.		

			Debit		Credit
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>				
15442-590000	Capital Outlay		\$ 6,400		
15447-590000	Capital Outlay		\$ 90,000		
15448-590000	Capital Outlay		\$ 40,000		
15447-587010	T T - Operating Fund		\$ 130,000		
15320-415000	Occupancy Tax				\$ 266,400
			<u>\$ 266,400</u>		<u>\$ 266,400</u>
Explanation:	Occupancy Tax - Promotion (15442); Tourism Related Expenses (15447 & 15448) - Increase appropriations for capital items for the Tourism Promotion and Tourism related activities that were not in the original appropriations due to COVID19 uncertainty.				
Net Budget Effect:	Occupancy Tax Fund (15) - Increased by \$266,400.				

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15442-503500	Salaries - Promotion Temporary	\$ 589	
15442-505000	FICA	\$ 45	
15448-503500	Salaries - Whalehead Temporary	\$ 600	
15448-505000	FICA	\$ 46	
15320-415000	Occupancy Tax		\$ 1,280
		\$ 1,280	\$ 1,280
Explanation: Occupancy Tax - Promotion (15442); Whalehead (15448) - Increase appropriations to provide bonus pay for all employees with less than 750 hours. Employees must have worked between November 1, 2019 and October 31, 2020 and been an active employee on December 1, 2020. This prorates the \$250 amount approved for full time employees by actual hours worked. The minimum bonus amount will be \$25 per employee. This will be paid on the regular check run that will be paid on February 10, 2021.			
Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$1,280.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-590000	Capital Outlay	\$ 90,000	
15320-415000	Occupancy Tax		\$ 90,000
		\$ 90,000	\$ 90,000
Explanation: Occupancy Tax - Tourism Related (15447) - Increase appropriations for a work truck and skidsteer for maintaining operations on the Currituck Outer Banks.			
Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$90,000.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15449-511010	Data Transmission	\$ 2,000	
15449-506000	Health Insurance Expense	\$ 5,000	
15448-532160	Maintenance Supplies	\$ 5,000	
15448-511010	Data Transmission	\$ 1,300	
15320-415000	Occupancy Tax		\$ 13,300
		<u>\$ 13,300</u>	<u>\$ 13,300</u>
Explanation:	Occupancy Tax - Whalehead (15448); Maritime Museum (15449) - Increased expenses at the Historic Corolla Park due to extended season on the Outer Banks this year. Increased costs for the Maritime museum to update data transmission costs to actual contract and to provide health insurance for the facility personnel.		
Net Budget Effect:	Occupancy Tax Fund (15) - Increased by \$13,300.		

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

ADJOURN TDA

There was no further business and Commissioner Beaumont moved for adjournment. Commissioner McCord seconded the motion. The motion carried, 7-0, and the meeting of the Tourism Development Authority adjourned at 5:21 PM.

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

RECONVENE REGULAR MEETING/WORK SESSION

Chairman Payment reconvened the Board of Commissioners meeting at 5:25 PM to hold a work session to discuss funding for additional mobile units for Currituck County schools.

C. Mobile Classrooms

Ben Stikeleather, County Manager, presented information on two mobile classroom units previously funded by the Board of Commissioners and recommended funding for an additional three units for use by the school system that will provide needed

classroom space until the school renovation and expansion projects are completed. A price list for financing of the units was distributed to members and Superintendent, Dr. Mark Lutz, and Maintenance and Transportation Director, Matt Mullins, reviewed the need for the additional units and placement locations. They responded to questions posed by Commissioners.

Discussion concluded and Commissioner Beaumont moved to approve the request for additional mobile units. Commissioner Jarvis seconded the motion. The motion carried unanimously, 7-0.

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

ADJOURN

Motion to Adjourn Meeting

Business concluded and Commissioner Beaumont moved to adjourn. The motion was seconded by Commissioner Jarvis. The motion carried, 7-0, and the Board of Commissioners meeting adjourned at 5:32 PM.

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



CURRITUCK COUNTY NORTH CAROLINA

January 27, 2021

Minutes – Special Meeting of the Board of Commissioners

6:00 CALL TO ORDER

The Currituck County Board of Commissioners held a Special Meeting at 6:00 PM in the Board Meeting Room of the Historic Courthouse located at 153 Courthouse Road, Currituck, North Carolina, to consider a budget amendment to fund the operation of Covid-19 vaccination clinics in Currituck County.

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

Chairman Payment called the meeting to order.

NEW BUSINESS

A. Budget Amendment-CARES Act Funds Transfer for Covid-19 Clinic Related Expenses

County Manager, Ben Stikeleather, reviewed the budget amendment to move funds to cover staffing, supplies and other expenses associated with Covid-19 vaccination clinics being held in the County. Mr. Stikeleather said most of the costs are eligible for FEMA (Federal Emergency Management Act) reimbursement.

Mr. Stikeleather responded to several questions about operations and future plans for vaccine clinics in the County. Discussion concluded and Commissioner J. Owen Etheridge moved for approval of the budget amendment. Commissioner McCord seconded the motion. The motion carried on a 6-0 member vote.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10510-502100	Overtime		\$ 64,000
10510-505000	FICA		\$ 4,896
10510-507000	Retirement		\$ 6,938
10510-508000	Supplemental Retirement		\$ 3,200
10530-502000	Salaries - Regular		\$ 496,000
10530-502100	Overtime		\$ 200,000
10530-503500	Temporary Services		\$ 38,000
10530-505000	FICA		\$ 56,151
10530-507000	Retirement		\$ 37,699
10981-502100	Overtime	\$ 300,000	
10981-503500	Temporary Services	\$ 300,000	
10981-505000	FICA	\$ 45,900	
10981-507000	Retirement	\$ 47,520	
10981-532000	Supplies	\$ 113,464	
10981-545000	Contract Services	\$ 100,000	
200981-502000	Salaries	\$ 25,000	
200981-502100	Salaries - Overtime	\$ 25,000	
200981-503000	Salaries - Part-time		\$ 25,000
200981-503500	Temporary Services		\$ 25,000
		\$ 956,884	\$ 956,884
Explanation:	Sheriff (10510); Emergency Medical Services (10530); COVID - FEMA (10981); COVID - CARES (200981) - To move budgeted salary funds that were funded through CARES ACT to the COVID - FEMA accounts to provide additional temporary staffing, overtime for current staff to run the COVID clinics, supplies and contracts to continue to provide necessary sanitation supplies, masks, additional cleaning for the next several months.		
Net Budget Effect:	Operating Fund (10) - No change.		
	CARES Act Fund (200) - No change.		

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

ADJOURN

Communication: Minutes for Jan. 27, 2021 Special Meeting (Approval Of Minutes for Jan. 19, 2021 and Special Meeting, Jan. 27, 2021)

There was no further business and Commissioner Mary Etheridge moved to adjourn. Commissioner Jarvis seconded the motion. The motion carried and the Special Meeting of the Board of Commissioners adjourned at 6:05 PM.

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