

CURRITUCK COUNTY
NORTH CAROLINA
July 6, 2009

The Board of Commissioners met at 6:00 p.m. to review the Mainland Water System Growth Plan.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Etheridge, Commissioners O'Neal, Aydlett, Rorer, Nelms, and Gregory.

Invocation and Pledge of Allegiance

The Reverend Tom Oliver, Poplar Branch Baptist Church, was present to give the invocation.

Approval of Agenda

Chairman Etheridge moved to amend the agenda by deleting Item 8; add 12a, appointment to Economic Development Board; add to consent agenda budget amendment and job descriptions for 4-H Cultural Center. Commissioner O'Neal seconded the motion. Motion carried.

- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Presentation on the 2010 Census**
- Item 4 **Public Hearing and Action** PB 87-56 Monterey Shores, Commercial Parcel 6: Preliminary Plat/Special Use Permit for a one lot commercial subdivision within an existing Planned Unit Development located at the intersection of Malia Drive and Caroline Court, Tax Map 116, Parcel 10 (Open Space), Poplar Branch Township.
- Item 5 **Public Hearing and Action** PB 09-20 South Ridge Variance: Variance request from Currituck County Unified Development Ordinance section, Chapter 8, Parking and Driveways, to allow on street parking. The property is located at 120 Survey Road, adjacent to Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.
- Item 6 **Public Hearing and Action** PB 07-10 South Ridge: Preliminary Plat/Special Use Permit for 146 single family lots, 5.56 acres of commercial, and a 4.01 acre county dedicated site located at 120 Survey Road, adjacent to Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.
- Item 7 **Discussion of Ordinance** amending the Wild Horse Ordinance to prohibit coming within 50 feet of a Wild Horse
- Item 8 **Consideration and approval** Towing Ordinance
- Item 9 **Appointment to Airport Advisory Board**
- Item 10 **Appointment to Library Board of Trustees**

- Item 11 **Appointment to Senior Citizen Advisory Board**
- Item 12 **Appointments to Game Commission**
- Item 13 **Consent Agenda:**
 - 1. Resolution Surplus Property
 - 2. Moyock Welcome Center - Change Order #1 - RPC Contracting, Inc.
 - 3. Mainland Water System - Change Order #1 - 12" Water Line Improvements - Sanford Contractors, Inc.
 - 4. Approval of June 15, 2009, Minutes
- Item 14 Commissioner's Report
- Item 15 County Manager's Report
- Item 16 **Closed Session:**
 - 1. According to 143-318.11(5) to discuss acquisition of real property, Waterside Villages

Adjourn

Public Comment

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

Chairman Etheridge opened the public comment period.

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

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

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

Presentation on the 2010 Census

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

The Board thanked Ms. Ensley for her presentation.

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

Sworn Testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

ITEM: PB 87-56 Monterey Shores, Preliminary Plat/Special Use Permit, for a 1 lot commercial subdivision within an existing Planned Unit Development.

LOCATION: At the intersection of Malia Dr. and Caroline Ct.

TAX ID: Tax Map 116, Parcel 10 (Open Space)

ZONING PUD Overlay - General Business

PRESENT USE: Vacant

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

ENGINEER: Coastal Engineering and Surveying Inc.
P.O. Box 1129
W. Kitty Hawk Rd.
Kitty Hawk, NC 27949

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

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

LAND USE PLAN

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

SIZE OF SITE: Proposed Parcel 6 - 1.030 acres plus .1 acres for an access road.

NUMBER OF UNITS: N/A

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

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

UTILITIES: Carolina Water Service, Inc. will accommodate the water and sanitary sewer needs of the proposed parcel

OPEN SPACE: Residual Open Space for Monterey Shores PUD
131.502 acres or 36.98%

I. NARRATIVE OF REQUEST:

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

- that time due to failure to obtain wastewater authorization from Carolina Water Service. Wastewater authorization has since been received and the developer wishes to proceed.
- The Army Corp of Engineers has indicated the site is free of any 404 wetlands.
 - The Division of Water Quality has approved a reduction in the available green area for the PUD and the reconfiguration is shown on the Waste Water Treatment Plant Green Space Map GS-1 prepared by Robert G. Burgin, Jr., Inc.

II. UNRESOLVED TRC COMMENTS:

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

III. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

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

1. COMPLETENESS OF THE APPLICATION
Suggested Findings:
 a. The application is complete.
2. THE PROPOSED USE IS AMONG THOSE LISTED IN THE TABLE OF PERMISSIBLE USES AS A SPECIAL USE INDICATED WITH AN "S"
Suggested Findings:
 a. The proposed use is permissible with a Special Use Permit
3. THE CONDITIONS PROPOSED MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THIS ORDINANCE.
Suggested Findings:
 a. The conditions proposed meet the minimum requirements of this ordinance.
4. THE SPECIAL USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY:
Suggested Findings:
 a. The proposed subdivision should have little to no impact on public health or safety. Adequate water and sewer infrastructure has been proposed.
5. THE SPECIAL USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY AND WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS LOCATED
Suggested Findings:
 a. The subdivision is proposed within a General Business area of an existing PUD and is allowed by the UDO with a special use permit.
 b. The parcel is currently within an existing Planned Unit Development with and should be in harmony with the surrounding area.
6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.
Suggested Findings:

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

Suggested Findings:

- a. The county should have adequate public facilities to service this subdivision.

IV. STAFF RECOMMENDATION

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

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

V. PLANNING BOARD RECOMMENDATION

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

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

Ms. Wilson seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION (June 9, 2009)

Mr. Kovacs asked if the land is vegetative.

Mr. Gomez stated it has trees, but mostly overgrown.

Mr. Kovacs asked if there are any wetlands on the property.

Mr. Gomez stated no.

Mr. Kovacs stated he would like to see as many trees preserved as possible.

Mr. Woody stated an inventory of the trees could be done before the site is cleared.

ACTION

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

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

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

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

Sworn Testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

ITEM: PB 09-20 South Ridge, Planned Unit Development, variance request to allow on-street, parallel parking.

LOCATION: 120 Survey Road, adjacent to Eagle Creek subdivision, Moyock Township.

TAX ID: 0015-000-0083-0000

ZONING

DISTRICT: Residential (R) with Planned Unit Development Overlay.
Residential (PUD Overlay): 68.67 acres
LBH (PUD Overlay): 5.67 acres*
*Rezoning/Sketch Plan approved December 3, 2007

PRESENT USE: Farmland

OWNERS: William B. Plitt and Linda P. Yendall
5621 North 9th Road
Arlington, VA 22205

APPLICANT: Chip Friedman
3500 Virginia Beach Boulevard, Suite 528
Virginia Beach, VA 23452

ENGINEER: Bissell Professional Group
3512 North Croatan Highway
PO Box 1068
Kitty Hawk, NC 27949

NARRATIVE:

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

QUESTION(S) BEFORE THE BOARD:

Variance Criteria and Staff Findings:

Section 4.3.6 of the UDO indicates a variance from the PUD overlay requirements may be granted by the Board of Commissioners if it finds the proposed change:

1. Will not endanger the public health or safety;

Suggested Findings:

- a. Public health and safety issues including stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this request.
- b. The on-street parking spaces will not restrict the vehicular movement of any street.

2. Will not injure the value of adjoining or abutting property;

Suggested Finding:

- a. The Unified Development Ordinance indicates that a planned unit development is allowed in the R base zoning district and PUD overlay with a special use permit.

3. Will be in harmony with the area in which it is located;

Suggested Finding:

- a. The proposed project is in keeping with the character of the surrounding area.

4. Will be in conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board; and,

Suggested Findings:

- a. The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The Rural classification does not necessarily support the PUD overlay. In areas where central sewer is proposed or existing, additional services are available, and the surrounding areas support it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. The proposed use is in keeping with the policies of the plan, some of which are:

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

- a. 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 Services areas identified on the Future Land Use Map.
- b. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

Policy CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

Policy CD8: MIXED-USE DEVELOPMENTS, properly planned from the outside, 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.

5. Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan.

Suggested Finding:

a. The county has adequate public facilities to service this subdivision.

In granting variance the Board of Commissioners may attach additional conditions or requirements that will, in its judgment, secure the objective of the standards or requirements so varied or modified.

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

Commissioner Taylor moved to grant the variance with findings of fact. Commissioner Nelms seconded the motion. Motion carried.

**Public Hearing and Action PB 07-10 South Ridge:
Preliminary Plat/Special Use Permit for 146 single family lots, 5.56 acres of commercial, and a 4.01 acre county dedicated site located at 120 Survey Road, adjacent to Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.**

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

ITEM: PB 07-10 South Ridge, Planned Unit Development, Preliminary Plat/Special Use Permit, for 146 single family lots, 5.56 acres of commercial, and a 4.01 acre county dedicated community facility site.

LOCATION: 120 Survey Road, adjacent to Eagle Creek subdivision, Moyock Township.

TAX ID: 0015-000-0083-0000

ZONING

DISTRICT: Residential (R) with Planned Unit Development Overlay.
Residential (PUD Overlay): 68.67 acres
LBH (PUD Overlay): 5.67 acres*
*Rezoning/Sketch Plan approved December 3, 2007

PRESENT USE: Farmland

OWNERS: William B. Plitt and Linda P. Yendall
5621 North 9th Road
Arlington, VA 22205

APPLICANT: Chip Friedman
3500 Virginia Beach Boulevard, Suite 528
Virginia Beach, VA 23452

ENGINEER: Bissell Professional Group
3512 North Croatan Highway

PO Box 1068
 Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Farmland	A
SOUTH:	Farmland/Eagle Creek Subdivision	A
EAST:	Single Family Dwellings	A
WEST:	Farmland	A

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Rural** within the **Moyock** subarea.

SIZE OF SITE: 74.23 acres

NUMBER OF UNITS: 120 single family dwelling lots and 26 patio home lots

PROJECT DENSITY: 1.967 units/ acre

STREETS: The curb and gutter street design will be built to NCDOT design and construction standards. The developer intends to offer the streets for public dedication.

UTILITIES: The development will be served by county water with an anticipated use of 52,560 gallons per day. The applicant is proposing a 60,000 gallon per day advanced treatment wastewater system utilizing the integrated fixed film activation sludge (IFAS) treatment process. The treated effluent will be pumped to an infiltration pond.

OPEN SPACE: The required open space for South Ridge is 35% (1,131,708 SF or 25.98 acres). The proposed development plan provides 23.72 acres of open space. In addition, the developer is requesting the surplus county dedication property to be incorporated into the required open space to meet the minimum open space dedication.

25.98 acres	Required Open Space (74.23 x 35%)
<u>23.72 acres</u>	Open Space Provided and Identified.
2.26 acres	Additional Open Space Required from County Dedication (Community Facilities) Reserve Balance.

COMMUNITY

FACILITIES: The required community facilities dedication for 146 lots in South Ridge is 1 acre/100 lots in excess of required open space. The developer is proposing 4.01 acres of community facilities dedication. Of the 4.01 acres, 2.26 acres is requested to be used as open space for the development. If accepted by the county, the 4.01 acre tract will be encumbered with open space restrictions on 2.26 acres as well as a 50 foot utility and access easement (approximately .28 acre).
 4.01 acres County Dedication
 1.00 acre Required Dedication for Community Facilities
.28 acre Approximate area of easement
 2.73 acres County Dedication Reserve Balance

III. NARRATIVE OF REQUEST:

- The property was rezoned from Agricultural to Residential on December 4, 2006. The PUD overlay and sketch plan was approved by the Board of Commissioners on December 3, 2007.
- The developer, Chip Friedman, is seeking approval of South Ridge, PUD, preliminary plat. The proposed development will contain 120 single family lots, 26 patio home sites, a neighborhood commercial center, and 4.01 acre county dedication site (2.26 acres encumbered by open space restrictions and easement).
- The proposed development will be constructed in four phases:

Phase	Total Lots	Amenities
1A	35	Lake with loop trail, playground
1B	28	Walking trail
2	57	Playground, walking trail
3	26	Playground, walking trail, pond
4		Commercial area

IV. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning

- A. Please remove the note "Not a Part" from preliminary plat sheet 2, Neighborhood Commercial (5.56 Acre).
- B. Please remove the RV parking lot from the construction phasing plan noted on preliminary plat sheet 2.

NCDOT

- A. Approved with comments (see recommendation section).

IV. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

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

1. Completeness of application.
 - Suggested Findings:**
 - a. The application is complete.
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".
 - Suggested Findings:**
 - a. Chapters 3 and 10 of the UDO allow a planned unit development as a permissible use with a special use permit.
3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
 - Suggested Findings:**
 - a. The conditions proposed meet the minimum requirements of this ordinance.
4. The special use will not endanger the public health or safety:
 - Suggested Findings:**
 - a. The proposed subdivision should have little to no impact on public health or safety.
5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located
 - Suggested Findings:**

a.The Unified Development Ordinance indicates that a planned unit development is allowed in the R base zoning district and PUD overlay with a special use permit.

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

Suggested Findings:

a.The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The Rural classification does not necessarily support the PUD overlay. In areas where central sewer is proposed or existing, additional services are available, and the surrounding areas support it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. The proposed use is in keeping with the policies of the plan, some of which are:

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

a.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 Services areas identified on the Future Land Use Map.

b.COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

Policy CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

Policy CD8: MIXED-USE DEVELOPMENTS, properly planned from the outside, 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.

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

a.The county has adequate public facilities to service this subdivision.

IV. STAFF RECOMMENDATION:

The submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends conditional approval** of this plat/SUP subject to the findings of fact and the following conditions:

1. The plan shall meet and address all NCDOT traffic engineer comments and recommended changes.
2. Wheelchair ramps shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with NCDOT standards. Please provide a curb cut detail with the submittal pre-construction plans.
3. The UDO does not address on-street parking and a PUD variance will be necessary for this improvement, or the segmented parking areas

- located around the pocket park may not back directly into the public street right-of-way.
4. The pedestrian loop trail system must be located a minimum of 10 feet from all exterior property lines and shall be located such to provide safe movement.
 5. General Note 13 indicates "variable width drainage easement reserved along all primary conveyance swales." Please clarify on the plan the actual width and location of the easement with the submittal of pre-construction plans and final plat. (Development Review Manual)
 6. A Dominion Power encroachment agreement is required to allow roads, pedestrian trails, required landscape buffers, and wastewater treatment infiltration pond within their 150 foot utility easement. The agreement must be provided at the pre-construction submittal.
 7. Pedestrian easements shall be provided on the final plat where the sidewalk extends beyond the street right-of-way and on private lots. (Development Review Manual)
 8. Given the relatively small size of the proposed lots, deed restrictions or restrictive covenants shall restrict parking of boats and recreational vehicles on individual lots or a boat/rv parking area shall be provided.
 9. Provide phasing plan for commercial development. The commercial development is planned to be the last phase of development.
 10. The development impact statement references the pedestrian related active recreation element. In the interest of providing a complete and safe active recreation system, the applicant shall provide sidewalks along Survey Road frontage, and between the proposed residential and nonresidential uses.
 11. The applicant shall provide the following information regarding the waste water treatment system at pre-construction submission:
 - a. A detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility;
 - b. State approval of the proposed system; and,
 - c. The expected life of the facility and the establishment of a reserve fund to support the continued maintenance, upkeep, and replacement of the facility.
 12. The required improvements shall be installed and accepted prior to submission of final plat approval for each phase.
 13. In accordance with the UDO, the applicant shall create a sewer district for the proposed development prior to final plat submission.
 14. The applicant shall submit a home and building design template that will be incorporated with the approval. Residential structures shall be designed with:
 - a. Variation in exterior architectural materials (siding, roofing);
 - b. Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
 - c. Variation in house styles/types;
 - d. Inclusion of front porches, projecting bays, vestibules; and,
 - e. The units shall have proportional attributes including overall height to width ratios of existing building facades, doors, windows, projecting canopies, and other architectural features with in the vernacular of the area.
 15. In keeping with Policy WS7 of the 2006 Land Use Plan, the wastewater system shall be designed so as to facilitate assimilation into a centralized system at a future date.
 16. All open space areas surrounding the lake shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.
 17. All visual relief open space within each phase shall be stabilized and vegetated with grass and proposed landscaping buffer.
 18. Low impact development techniques should be integrated in the project to manage treatment of stormwater. (WQ3, WQ6, WQ7)
 19. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways. (CD8, CD9)

20. In commercial areas, parking located between a commercial building and street rights-of-way shall be screened with a Type B Bufferyard. (CA3, CD7, CD8)
21. Dumpsters or similar solid waste receptacles, HVAC equipment, commercial mechanical units, or similar appurtenances shall be screened from view using a combination of solid landscaping or opaque fencing. (LUP CA3)
22. Landscape islands shall be incorporated into the commercial parking areas. (LUP CD7, CD8, CA3)
23. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided. (LUP CD7, CD8, CD9)
24. Neighborhood serving commercial development shall integrate pedestrian scale and design (proportional relationship of buildings and spaces to pedestrians). Retail, office, and entertainment uses shall be appropriately designed, small-scale businesses. (LUP CD1, CD5, CD6, CD7, CD8, CD9).

V. NCDOT TRAFFIC IMPACT ANALYSIS (TIA) REVIEW COMMENTS AND RECOMMENDATION (Received 6/8/2009):

1. At the proposed residential entrance to the development, Gerald Boulevard lines up with the old alignment of Survey Road. Survey Road was realigned several years ago. This intersection is now a T-intersection. Gerald Boulevard must be designed to line up with the current configuration of Survey Road, not the old. Another alternative for this intersection would be a roundabout. The roundabout must be designed to accommodate school busses and any service type trucks for the school and residential uses. The roundabout design, if considered, must be submitted to the District and forwarded to the Division Traffic Engineer for further review. Design questions for the roundabout should be coordinated through Chad Edge.
2. The proposed right in right out configuration for Commercial Access Drive #2 is acceptable as well as the proposed median island on Survey Road to physically prohibit left turns. If a roundabout design is proposed as mentioned earlier, this median island should be an extension of the splitter island on this approach.
3. At the proposed Commercial Drive #1, the right turn land proposed is acceptable as having 100 feet of full storage PLUS the appropriate deceleration and taper lengths as outlined in the NCDOT Driveway Manual. In addition, a left turn lane for northbound traffic should be constructed on Survey Road with a minimum of 75 feet of full storage PLUS the appropriate deceleration and taper lengths.
4. At the signalized intersection of NC 168 and Survey Road, the proposed addition of a right turn lane with 100 feet of full storage is acceptable. The appropriate deceleration and taper length will need to be included as well. The addition of this lane may require the addition of guardrail on the southeast quadrant for the traffic signal pole. In addition, for NC168 southbound the right turn lane shall be lengthen to obtain 250 feet of full storage PLUS the appropriate deceleration and taper length.
5. With regard to the internal streets, it is encouraged that interconnection between adjacent parcels and to the commercial areas be designed to minimize trips on NC 168 and Survey Road as well as provide alternative access points.
6. Design details for the above improvements must be reviewed and approved. A signing and pavement marking plan will also be required to be submitted for review and approval.

VI. PLANNING BOARD RECOMMENDATION:

Ms. Newbern motioned to **recommend approval** of the preliminary plat/special use permit for 146 single family lots, 5.56 acres of commercial, and a 4.01 acre county dedicated community facility site with staff recommendations and the following conditions added by Mr. Kovacs:

1. consider putting in the maximum amount of aeration devices for the ponds;
2. 2 vehicle deep parking for the driveways;
3. consideration of the slope of ponds; and,
4. cluster mailboxes.

Mr. Clark seconded the motion. Ayes: Ms. Newbern, Mr. Bell, Mr. Clark, Ms. Robbins, Ms. Wilson, Mr. Kovacs, Mr. Midgette. Nays: Mr. West.

Chairman Etheridge opened the public hearing.

Mark Bissell, Engineer, was present to answer questions.

Woody Gere, expressed concerns with drainage and traffic.

Doris Flora, questioned the road right of way.

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

Commissioner Taylor moved to approve with findings of fact, NCDOT, Planning Board and staff recommendations and dedication to county of 1.75 acres of open space.

Discussion of Ordinance amending the Wild Horse Ordinance to prohibit coming within 50 feet of a Wild Horse

Ike McRee, County Attorney, reviewed the ordinance.

Commissioner O'Neal moved to approve. Commissioner Aydtlett seconded the motion. Motion carried.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING THE CURRITUCK COUNTY CODE OF ORDINANCES TO MAKE UNLAWFUL THE ACT OF INTENTIONALLY COMING WITHIN 50 FEET OF A WILD HORSE

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, pursuant to N.C. Gen. Stat. §§153A-127 and 153A-131 a county may by ordinance define and prohibit the abuse of animals and regulate, restrict or prohibit the possession or harboring of animals which are dangerous to person or property.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Currituck, North Carolina as follows:

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 3-31 of the Code of Ordinances to read as follows:

Sec. 3-31. Luring, enticing, seizing.

It shall be unlawful for any person to lure or entice a wild horse out of a wild horse sanctuary, or to seize and remove a wild horse from a wild horse sanctuary, except for

the purpose of treatment under the care and supervision of a licensed veterinarian or to remove a shunned colt from a wild horse sanctuary when the shunned colt from a wild horse sanctuary when the shunned colt is certified by the animal control officer to be a nuisance or dangerous to persons or property. It shall further be unlawful for any person to lure, attract or entice a wild horse to come within 50 feet of any person or for any person, other than an animal control officer, law enforcement officer, wild horse sanctuary officer or veterinarian rendering treatment to a wild horse, to intentionally come within 50 feet of a wild horse.

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Consideration and approval Towing Ordinance

deleted

Appointment to Airport Advisory Board

Commissioner Nelms moved to appoint Jerry Malesky.
Commissioner Aydlett seconded the motion. Motion carried.

Appointment to Library Board of Trustees

tabled

Appointment to Senior Citizen Advisory Board

tabled

Appointments to Game Commission

Commissioner Gregory moved to reappoint Paul Bradley, Charles Eley and appoint Clay Cartwright and James Markert.
Commissioner Taylor seconded the motion. Motion carried.

Appointment to Economic Development Board

Commissioner O'Neal moved to appoint Ken Edgar.
Commissioner Aydlett seconded the motion. Motion carried.

Consent Agenda:

1. Resolution Surplus Property
2. Moyock Welcome Center - Change Order #1 - RPC Contracting, Inc.
3. Mainland Water System - Change Order #1 - 12" Water Line Improvements - Sanford Contractors, Inc.
4. Approval of June 15, 2009, Minutes
5. Budget Amendment and Job Descriptions for 4-H Cultural Center

Commissioner O'Neal moved to approve. Commissioner Taylor seconded the motion. Motion carried.

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on July 6, 2009, authorized the following, pursuant to GS 160A and 270(b), that the identified property described below, be disposed of at a public auction:

Asset # 2553, 1992 Ford E350 Van, VIN: 1FBJS31H8NHA49092

WHEREAS, the aforesaid property is to be donated to the not-for-profit organization Animal Lovers Assistance League to for the sole purpose of facilitating the transportation of euthanized animals to the disposal location.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck, hereby agree to donate said vehicle to the Animal Lovers Assistance League in lieu of said vehicle going to public auction.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10796-502000	Salaries - Regular	\$ 64,225	
10796-503000	Salaries - Part time	\$ 22,606	
10796-505000	FICA	\$ 6,643	
10796-506000	Health Insurance	\$ 11,808	
10796-507000	Retirement	\$ 6,339	
10796-511000	Telephone & Postage	\$ 2,920	
10796-513000	Utilities	\$ 7,200	
10796-514000	Travel	\$ 2,000	
10796-516000	Repairs & Maintenance	\$ 6,500	
10796-531000	Fuel	\$ 4,800	
10796-532000	Supplies	\$ 7,766	
10796-590000	Capital Outlay	\$ 56,309	
10796-545000	Contract Services		\$ 199,116
		\$ 199,116	\$ 199,116

Explanation: 4H Cultural Life Center (10796) - To transfer funds for operations of the 4H Cultural Life Center and to approve one 4-H Cultural Life Center Director/4-H Program Assistant; one 4-H Cultural Life Center Manager and two part-time 4-H Cultural Life Center Park Attendants. The capital outlay is as follows:

Rodeo Booth	21,851
Announcers Booth	2,712
Timer & scoreboard	1,350
Dragmaster	8,000
Message Board	1,100

Schooling Ring	5,000
Stall fronts	8,796
Gator	7,500
	\$ 56,309

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

Commissioner's Report

Commissioner Gregory warned citizens of the dangers of rabies in county.

Commissioner Aydlett stated that paving of NC 615 is complete; skateboard park is open.

Commissioner Taylor requested staff to notify the railroad on server crossings that need repair.

Commissioner Nelms commended the Sheriff's Department on responding to a traffic accident.

Commissioner Rorer commended staff and volunteers for the July 4th celebration.

County Manager's Report

Dan Scanlon, County Manager, gave an update on the Mainland Water System.

Closed Session:

1. According to 143-318.11(5) to discuss acquisition of real property, Waterside Villages (3) to preserve the attorney-client privilege.

Commissioner Aydlett moved to go into closed session as stated above. Commissioner Rorer seconded the motion. Motion carried.

Adjourn

After reconvening from closed session, no action was taken.