Currituck County
BOARD OF COMMISSIONERS AGENDA

Monday, May 6, 2024, 6:00 PM
Historic Currituck Courthouse Board Room
153 Courthouse Road
Currituck, North Carolina 27929

Pages

Work Session - 5:00 PM

1. Carova Roads

Call to Order - 6:00 PM

1. Invocation & Pledge of Allegiance-Pastor Eric Fretz, Bridge Church
2. Ethics Awareness and Conflicts of Interest Reminder
3. 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

County Attorney's Report

Administrative Reports

1. YMCA of South Hampton Roads Annual Report-DJ Kophazy, Executive Director, Currituck Family Y
2. Mainland Calendar Preview-Rebecca Gay, Interim County Manager

Public Hearings

1. **PB 23-33 Cluny, LLC** 4
   Applicant will Request this Item be Deferred to a Future Meeting-Request for conditional rezoning of 3.43 acres from Single-Family Mainland to Conditional General Business for property located on the south-eastern side of the intersection of Caratoke Highway and Tulls Creek Road, Tax Map 50, Parcel 124A, Crawford Township.
2. **PB 24-11 Carolina Designs Realty, Inc.** 41
   Request for amendment to the Unified Development Ordinance, Chapters 4, 5, and 10 to establish a new “Property Management Offices and Operations” use to be permitted in the General Business, Village Center, Light Industrial, Heavy Industrial, Planned Development-Mixed and Planned Development-Outer Banks Zoning Districts with a zoning permit subject to specific standards.

3. **PB 24-12 Jay Bender** 49
Request for an amendment to the Unified Development Ordinance, Chapter 3. Zoning Districts, Chapter 6. Subdivision and Infrastructure Standards, Chapter 7. Environmental Protection, and Chapter 10. Definitions and Measurement, to create a new development type, Preservation Subdivision, in the Single-Family Residential Outer Banks Remote Zoning District.

4. **PB 24-13 North South Development, LLC** 87
Request to amend the Unified Development Ordinance, Chapter 3. Zoning Districts to modify the overall maximum gross density in the Conditional Mixed Residential Zoning District.

New Business

1. **Ordinance Amendment to Provide for Criminal Penalty-Golf Carts** 96
2. **Ordinance Amendment to Provide for Civil and Criminal Penalties-Parking** 98
3. **Ordinance Amendment to Provide for Criminal Penalty-User Permit** 100
4. **Board Appointments**
   a. Commissioner Jarvis reappointment to the College of the Albemarle Board of Trustees 102
5. **Consent Agenda**
   a. Budget Amendments 104
   b. Project Ordinance-Grandy EMS Station 117
   c. Project Ordinance-Geothermal Piping Replacement, Whalehead-Historic Corolla Park 119
   d. Project Ordinance-Detention Center Plumbing Project 121
   e. Project Ordinance-Judicial Center Generator 123
   f. Sole Source Purchase Resolution-Kamstrup Meters, Mainland Water 125
   g. Currituck County Text Amendment Application-Setback Reduction to 80' for Multi-family 129
   h. Mutual Aid Agreement-Fish and Wildlife, Dept. of the Interior 133
   i. May 2024 Older Americans Month Proclamation 143
   j. Minutes Approval-April 15, 2024 144

Adjourn

Special Meeting of the Tourism Development Authority

1. **TDA Budget Amendments** 154
2. **Consideration of Events Grant Funding Recommendations** 155

Adjourn TDA

Special Meeting of the Ocean Sands Water and Sewer District Board

1. OSWSD Budget Amendments

Adjourn OSWSD Board

STAFF REPORT
PB 23-33 CLUNY LLC
CONDITIONAL ZONING
BOARD OF COMMISSIONERS
MAY 6, 2024

APPLICATION SUMMARY	
Property Owner: Cluny LLC	**Applicant:** Cluny LLC
Case Number: 23-33	**Application Type:** Conditional Rezoning
Parcel Identification Number: 0050000124A0000	**Existing Use:** Vacant
Imagine Currituck Land Use Classification: G-2	**Parcel Size (Acres):** 3.43
	Zoning History: 1970-1975 (RA-20) 1989 (R) 2013 (SFM)
Current Zoning: Single-Family Residential Mainland (SFM)	**Proposed Zoning:** Conditional-General Business
Request: Request to conditionally rezone 3.43 acres from Single Family Mainland to Conditional-General Business for the purpose of constructing a multi-tenant contractor services building. The parcel is located at the corner of Caratoke Hwy. and Tulls Creek Rd. Tax Map 05 Parcel 124A.	

REQUEST
NARRATIVE

The applicant is requesting conditional rezoning of a 3.43-acre parcel of land located at the corner of Caratoke Highway and Tulls Creek Rd. The parcel is directly adjacent to Currituck on the Sound subdivision and in close proximity to Rivers Edge subdivision. The property is currently zoned Single-Family Residential Mainland (SFM) which is a residential district. The request is for Conditional-General Business zoning for the purpose of constructing a multi-tenant contractor services use. Contractor Services is an industrial use that is allowed in the General Business zoning district. The Unified Development Ordinance defines contractor services as *Offices for building, heating, plumbing, or electrical contractors, and related storage facilities.*

The *Imagine Currituck 2040 Vision Plan* classifies the parcel as G-2 Controlled Growth which is appropriate for medium- density residential development and neighborhood scale commercial nodes. Appropriate land uses and development types include:

» *Mixed residential developments that provide a variety of housing types*

» *Limited multi-family developments*

»*Neighborhood office and commercial mixed-use including beach-tourism supporting businesses*

» *Civic uses such as schools or County facilities*

» *Agritourism*

» *Eco-tourism*

» Encourage neighborhood serving commercial to locate near road intersections, neighborhood serving facilities such as schools and parks and existing compatible commercial uses.

» All new development and redevelopment in G-2 shall connect to county water.

» Medium density residential, commercial, and compatible industrial uses are encouraged to locate within the G2 transect areas where both water and wastewater services are available.

Contractor service uses are generally not considered neighborhood serving commercial uses.

There are wetlands located on the property as well as drainage features. The applicant proposes to obtain a nationwide permit for disturbance of the wetlands and to pipe one of the on-site drainage features that channels water from surrounding properties.

COMMUNITY MEETING

The overarching concern at the community meeting was drainage. There were concerns of increased flooding, wetland disturbance, maintenance of downstream ditches, increased traffic and traffic flow, and the types of businesses that would occupy the new development. A community meeting summary is provided in the agenda packet.

CONDITIONS OF APPROVAL

The applicant did not propose any conditions of approval.

SURROUNDING PARCELS		
	Land Use	**Zoning**
North	Residential	SFM
South	Auto Shop (across Caratoke Highway)	GB
East	Currituck on the Sound residential subdivision	SFM
West	Vacant	GB

LAND USE PLAN	
The Imagine Currituck 2040 Vision Plan classifies this site as G-2 within the Northen Mainland Geographic Area. The profile for the G-2 Transect emphasizes medium density single family subdivisions and neighborhood office and commercial mixed-use including beach-tourism supporting businesses. The proposed plan is not consistent with the policies of the plan, including:	
Land Use Goal 1	Encourage development to occur at densities appropriate for their location and consider factors, including but not limited to: environmentally suitable areas; suitable soils; adequate infrastructure; the type and capacity of sewage treatment available to the site; the adequacy of transportation facilities providing access to the site; and compatibility and proximity of the site to existing and planned County services.
Land Use Goal 2	Carefully consider the design and location of intensive and potentially incompatible land uses to mitigate compatibility issues such as environmental quality, safety, overburdening local infrastructure, scale, use, design, location, and adverse effects.
Land Use Policy 2.2	Continue to prohibit incompatible or poorly planned commercial encroachment near residential areas.
Environment Goal 1	Preserve and protect the County's environmentally significant and sensitive lands and surrounding areas
Environment Policy 1.1	Preserve coastal and non-coastal wetlands and riparian buffers for their natural resilience benefits.

RECOMMENDATION

Technical Review Committee

The Technical Review Committee recommends denial of the requested conditional rezoning due to inconsistencies with the land use plan. Additionally, McAdams stormwater comments have the potential to cause changes to the conceptual development plan.

Planning Board

On April 9, 2024, the Planning Board recommended denial of the request – the motion to approve failed with a 2-2 vote.

Planning Board Discussion

Chairman Bass and Brian Innes left the boardroom due to conflicts of interest.

Jason Litteral presented the staff along with maps showing: Location, current zoning, land use plan classification, flood zones. Mr. Litteral reviewed a list of permitted uses allowed in the current zoning of Single-Family Residential Mainland District, gave the consistency statement, and said staff recommends denial of the requested rezoning; the board was directed to the review standards for zoning map amendments. Vice Chairman Owens asked for questions from the board. Mr. Litteral added to his presentation saying the concerns at the community meeting were stormwater, drainage, and flooding.

The applicant, Stuart Innes, residing at 113 Baxter Lane, Moyock, came before the board. Mr. Innes said this commercial space is needed in this area according to the Currituck Chamber of Commerce and not more residential rooftops. Mr. Innes said he hears the citizens talk about drainage, but it is just opinions and not based on facts. He said he has hired Engineers that have assured him the

development will not cause flooding and would fix the current issues through our design. Mr. Innes said he has a Soil Scientist and Engineer with him tonight. Mr. Innes also said the citizens' concerns about this location being a dangerous spot on the highway is not a fair assessment since the person who caused the accident they are referring to was inebriated.

Michael Strader, with Quible and Associates, P.E., came before the board. He said there would be impacts to the wetlands, but it would be rerouted back and the ditch on the backside of the property would be maintained; currently there is no stormwater management with this ditch and our design enacts stormwater control.

Brian Rubino, Soil Scientist, came before the board. He said they have done a lot of work in the AE Flood Zone and this designation does not mean it will flood. He said the culverts will match or will be designed bigger than what is currently around this property.

Board members asked why this property is being rezoned before it has been reviewed by the NC DWR and the U.S. Army Corps of Engineers. Mr. Rubino said the state has to make sure it is zoned properly first.

Jennifer Barnes, 2515 Tulls Creek Road, came before the board. She said she owns the 22 acres which runs in behind the subject property and the creek runs down 15 acres of her property. Ms. Barnes said the County has a grant they are using to clean up the creek and she has videos showing the creek flooding. Ms. Barnes said they will dam up the creek and flood our properties. Mr. Hurley said it is safe to say the developer will not dam up the creek. Ms. Barnes said she bought the property because there was nothing beside her and she does not want to look at commercial property now. Ms. Barnes also said the traffic is horrendous and people run the school bus stop sign every day. She said it is a bad location to turn into a business.

James Dempsey, 210 Mariners Way, came before the board. Mr. Dempsey said he walked the property, and it looks like a retention pond is there. He said he was also concerned about the location of the exit for the business.

Stuart Innes asked the board if he could come forward to rebut the comments. Mr. Innes said water is the main issue, but they are fixing it and the depression on the property is not natural, it was manmade by NCDOT removing sand from the property. Mr. Innes said the property currently has a very thick, natural growth surrounding the property and they will be adding to the existing buffer according to the rules of the Unified Development Ordinance.

Steven Metcalfe, 121 Mariners Way, came before the board. Mr. Metcalfe agreed there is a need for this commercial property but said there are other properties available.

Brian Rubino came before the board to answer the board's questions. Mr. Reving said Mr. Innes will have a proper stormwater plan in place with the County and the stormwater system will consist of wet pond basins and supplemented stormwater pervious pavement.

Mr. Hurley asked how much would be impervious, and Mr. Strader said less than twenty percent.

Mr. Rubino said the ditch will not have any piping in it and Mr. Innes will pull out the debris and snag the ditch to help with the flow.

Tony Long, 105 Cygnet Court, came before the board. Mr. Long said Mike Doxey had told him before he bought his property that the subject property would never be developed since it was wetlands. Mr. Long also stated his concern about the traffic and water issues.

The board discussed conditions for the rezoning. Mr. Litteral said any conditions would have to be agreed to by the applicant.

Mr. Hurley questioned why the entrance must be on Tulls Creek Road. Mr. Innes said this was designed by NCDOT and it took one year for the completion of the design.

Motion
Mr. Hurley moved to **approve PB 23-33 Cluny, LLC Conditional Rezoning** because the request is in conformance with General Purpose and Intent of the Unified Development Ordinance and is consistent with the goals, objectives, and policies of the *Imagine Currituck 2040 Vision Plan.* Conditions of the approval are for the water mitigation be approved by federal, state, and county, there is a buffer, and NCDOT is in agreement with the entrances' design.

Mr. Doll seconded the motion and the **motion failed** with a 2-2 vote; Vice Chairman Owens and Ms. Krause voted nay. Chairman Bass and Brian Innes had conflicts of interest and were recused from voting.

CONSISTENCY AND REASONABLENESS STATEMENT

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

This conditional zoning request is not consistent with the zoning map amendment review standards including***:***

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

4. Addresses a demonstrated community need;

5. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;

7. Would result in a logical and orderly development pattern;

It is not reasonable and in the public interest because the physical conditions and other attributes of the site (wetlands, low lot elevation adjacent to Tulls Creek Road and Caratoke Highway, and existing drainage features) are not compatible with a rezoning to General Business. The current actual permissible development on the property is limited to mostly residential uses that will likely have less impact on the landowners, neighbors, and surrounding community. Staff is not aware of any changed conditions that warrant the requested amendment.

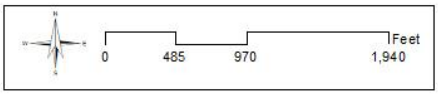
CONDITIONS OF APPROVAL

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

Agreed upon conditions of approval:

1. The applicant did not propose any conditions of approval.

CLUNY, LLC.
PB 23-33 Conditional Rezoning
Vincinity Map

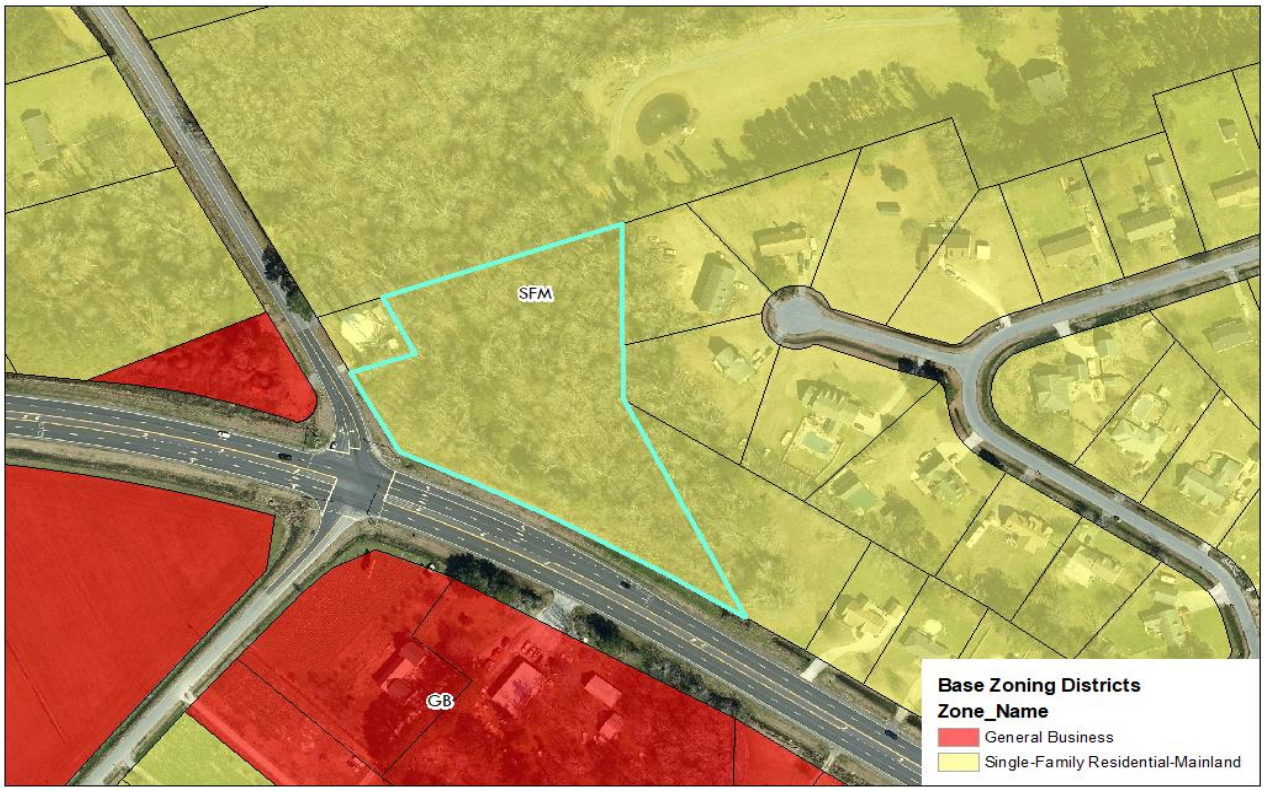


Currituck County
Planning and Inspections
Department

CLUNY, LLC.
PB 23-33 Conditional Rezoning
2020 Aerial

0 100 200 400 Feet

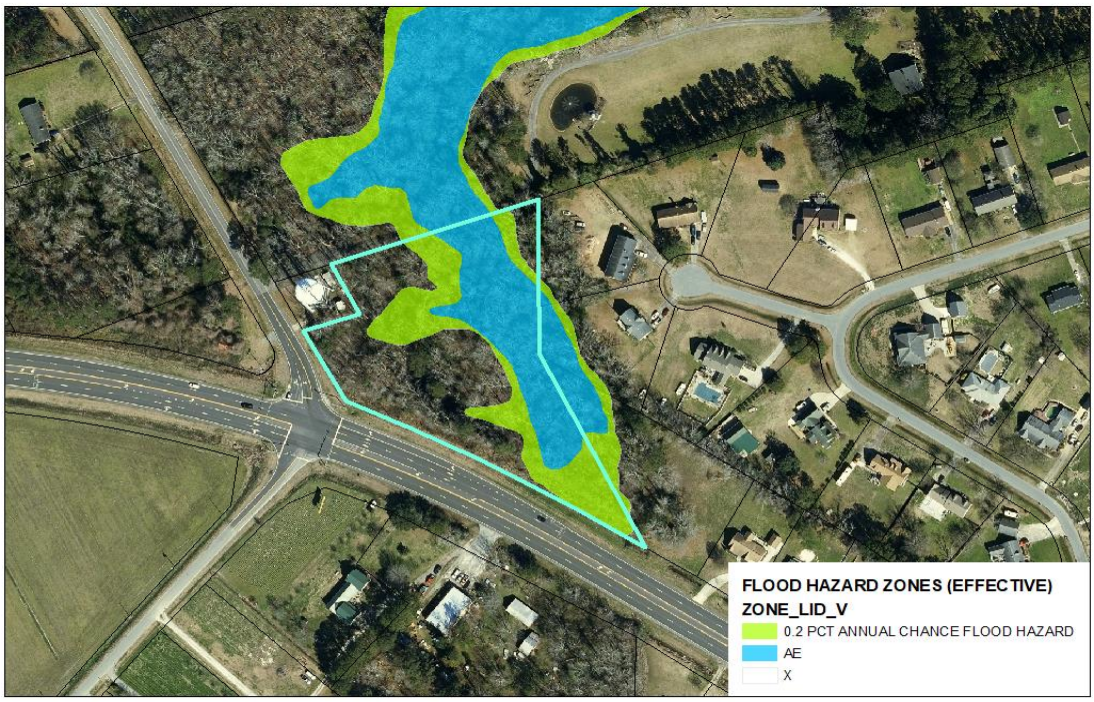
Currituck County
Planning and Inspections
Department



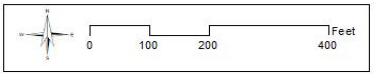
CLUNY, LLC.
PB 23-33 Conditional Rezoning
Base Zoning Districts

0 100 200 400 Feet

Currituck County
Planning and Inspections
Department



CLUNY, LLC.
PB 23-33 Conditional Rezoning
FEMA Flood Hazard Zones



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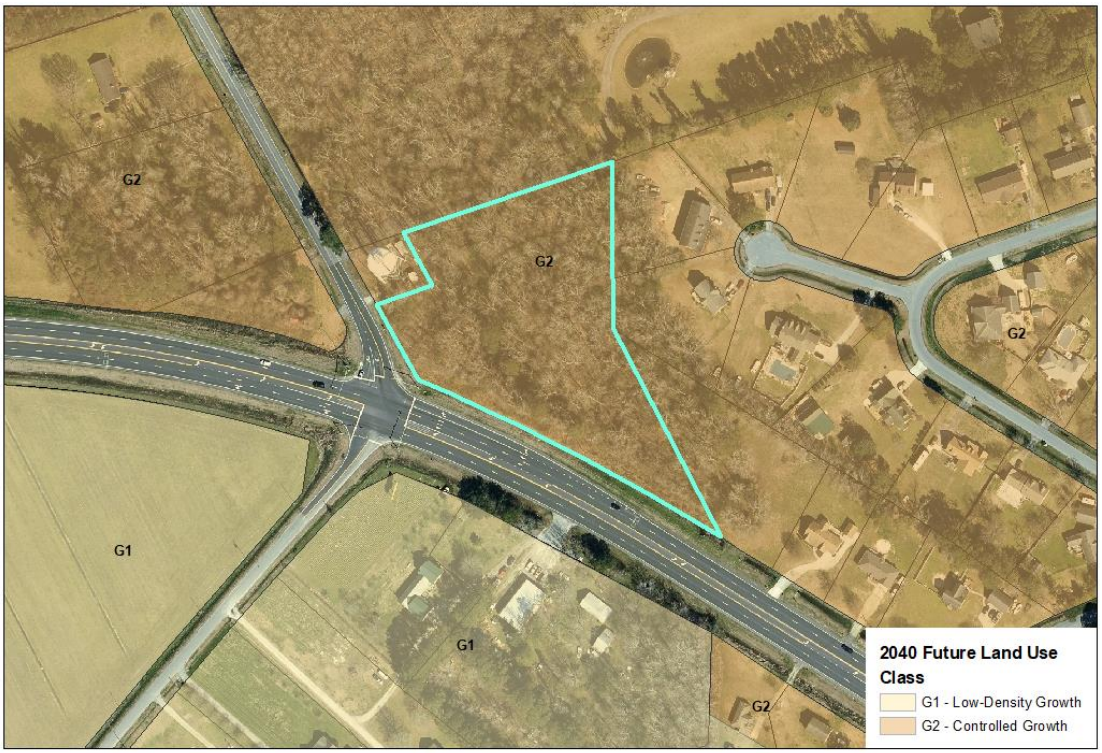
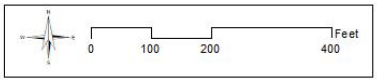


CLUNY, LLC
PB 23-33 Conditional Rezoning
Future Land Use Map 2040



Currituck County
Planning and Inspections
Department

Quible

Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING

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

November 16, 2023

Mr. Jason Litteral,
Currituck County Development Services Department
Planning & Zoning Division
153 Courthouse Road, Suite 110
Currituck, NC 27929

Re: Conditional Rezoning Application
Cluny, LLC
Parcel ID No. 0050000124A0000
Crawford Township, Currituck County, North Carolina

Mr. Litteral,

On behalf of Cluny, LLC, Quible & Associates, P.C. hereby submits for your review the enclosed Conditional Rezoning application package for the subject referenced project located at PIN 8979-37-9862 and PID 0050000124A0000, Crawford Township, Currituck County.

The owner is proposing to conditionally rezone the parcel from its current Single Family Mainland (SFM) zoning to a Conditional General Business (GB) zoning in order to construct a Contractor Services Building and associated improvements. The proposed building will be designed in compliance with the Bulk Dimensional requirements specified in the Currituck County UDO under the GB zoning district requirements.

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

- One (1) original and One (1) copy of the Complete Conditional Rezoning Application;
- Application fee in the amount of $220 ($200 + $5 x 4 ac) made payable to "Currituck County";
- Two (2) copies of the Architectural Elevation Sketches of the Proposed Structure;
- Two (2) copies of the Community Meeting Report;
- Two (2) copies of the Conceptual Development Plan;
- One (1) PDF digital copy of the complete Conditional Rezoning application package.

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

Sincerely,

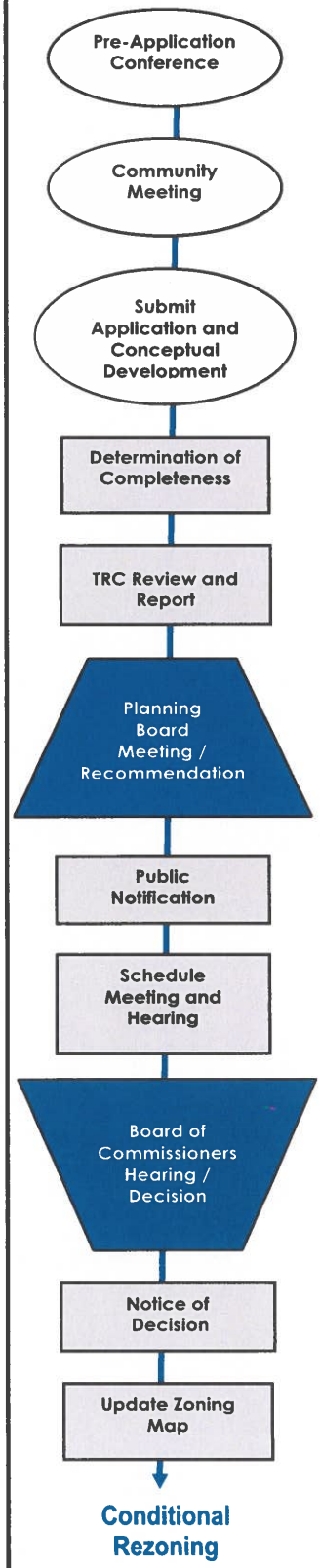
Quible & Associates, P.C.

Dylan L. Tillett, P.E.

Encl.: As stated
Cc: Cluny, LLC
File

Conditional Rezoning

Review Process



Contact Information

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

Phone: 252.232.3055
Fax: 252.232.3026

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

Step 1: Pre-application Conference

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

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

Step 2: Community Meeting

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

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

The community meeting shall comply with the following procedures:

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

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

- **Conduct of Meeting**
  At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to question and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.
- **Staff Attendance**
  County staff shall attend the meeting for purpose of advising attendees about the applicable provisions of the UDO and the land use plan, but shall not serve as facilitators or become involved in discussions about the proposed conditional rezoning.
- **Written Summary of Community Meeting**
  The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discuss issues related to the conditional rezoning application, and any other information the applicants deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.
- **Response to Summary**
  Any person attending the community meeting may submit a written response to the applicant's meeting summary to the Planning Director within 30 days after the application is determined complete. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant's summary of the community meeting shall be transmitted to the applicant, included with the application materials, and made available to for public inspection.

Step 3: Application Submittal and Acceptance

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

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

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

Step 4: Staff Review and Action

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

Step 5: Advisory Body Review and Recommendation

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

Step 6: Public Hearing Scheduling and Public Notification

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

The application shall meet the following public notification requirements:

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

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

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

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

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

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

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

Conditional Rezoning
Application

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

Contact Information

APPLICANT:

Name: Cluny LLC
Address: P.O. Box 116
Barco, NC 27917
Telephone: _____
E-Mail Address: stuartinnes1@gmail.com

PROPERTY OWNER:

Name: Same as Applicant
Address: _____
_____
Telephone: _____
E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same Entity

Property Information

Physical Street Address: This parcel is not addressed but identified by PIN 8979-37-9862 and PID 0050000124A0000

Location: Property is located on the south-eastern side of the intersection of NC 168 and Tulls Creek Rd., in Crawford Township of Currituck County

Parcel Identification Number(s): 0050000124A0000

Total Parcel(s) Acreage: 3.43

Existing Land Use of Property: Vacant Land

Request

Current Zoning of Property: SFM

Proposed Zoning District: GB

Community Meeting

Date Meeting Held: November 13, 2023, 4 PM

Meeting Location: Currituck County Library, Barco

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

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

Proposed Use(s):

The construction of a contractor services building within the conditional GB zoned property. The proposed site improvements will be designed in accordance with dimensional standards as specified within the current UDO, and in accordance with State and Local requirements.

Proposed Zoning Condition(s):

N/A

An application has been duly filed requesting that the property involved with this application be rezoned from: Single Family Mainland to: General Business

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

By: [signature]
Property Owner(s)

11/13/23
Date

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

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

Conditional Rezoning

Conceptual Development Plan Design Standards Checklist

Date Received: _____ TRC Date: _____

Project Name: Cluny, LLC Contractor Services Building

Applicant/Property Owner: Cluny, LLC

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

Conditional Rezoning Submittal Checklist

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

Conditional Rezoning

Submittal Checklist

Date Received: _____ TRC Date: _____

Project Name: Cluny, LLC Contractor Services Building

Applicant/Property Owner: Cluny, LLC

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

For Staff Only

Pre-application Conference

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

_____

_____

Comments

_____

_____

_____

NOTES:

1. CURRENT OWNER: CLUNY, LLC
   PO BOX 116
   BARCO, NC 27917
2. PIN / PID: 8979-37-9862 / 0050000124A0000
3. LOT AREA = 149,430 SF / 3.43 AC (AREAS BY COORDINATE METHOD.)
4. SUBJECT REFERENCES: DB 1741, PG 257
5. EXISTING ZONING: SINGLE FAMILY MAINLAND (SFM)

   PROPOSED ZONING: CONDITIONALLY REZONED GENERAL BUSINESS (C-GB)
   ALL SETBACKS & LANDSCAPE BUFFERS AREAS ARE BASED ON C-GB ZONING.
6. PROPOSED USE: CONTRACTOR SERVICES
7. THIS IS NOT A SURVEY. CONCEPTUAL PLAN ONLY. SKETCH SHALL BE FURTHER DEVELOPED INTO SITE PLAN DESIGN PRIOR TO PERMITTING. BOUNDARY, WETLAND, AND TOPOGRAPHIC INFORMATION BASED ON A SIGNED SURVEY BY TIMMONS GROUP TITLED "TOPOGRAPHIC SURVEY FOR CLUNY, LLC" DATED 09/25/2023.
8. ALL DISTANCES ARE US SURVEY FEET AND HORIZONTAL GROUND.
   PROPERTY IS LOCATED IN NFIP FLOOD ZONES AS SHOWN AND SUBJECT TO CHANGES. BASED ON COMMUNITY CID NO. 370078; PANEL 8968; SUFFIX K. (MAP NUMBER 3720896800K) EFFECTIVE DATE: 12/21/2018.
9. PROPOSED LOT COVERAGE:
   BUILDING.....10,500.0 SQ.FT.
   CONCRETE WALK.....2,657.0 SQ.FT.
   DRIVE.....15,960.2 SQ.FT.
   TOTAL LOT COVERAGE.....29,117.2 SQ.FT. SF (19.5%) (65% MAX)
10. REQUIRED PARKING:
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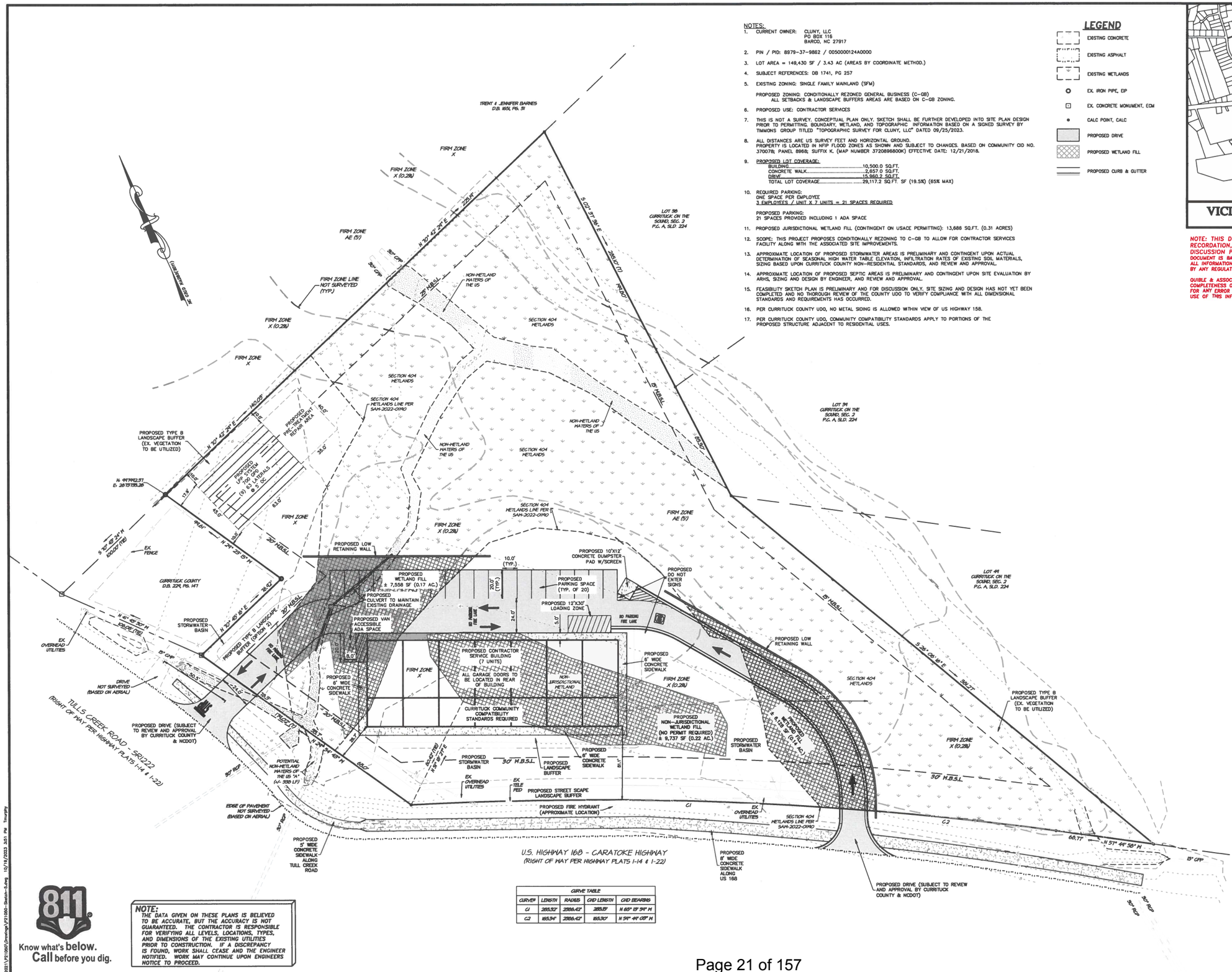
    3 EMPLOYEES / UNIT X 7 UNITS = 21 SPACES REQUIRED

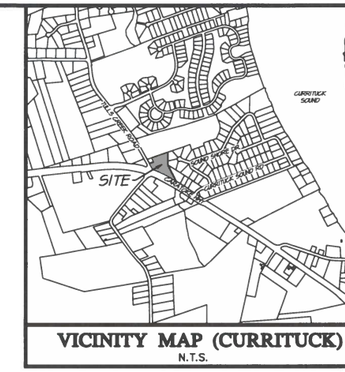
    PROPOSED PARKING:
    21 SPACES PROVIDED INCLUDING 1 ADA SPACE
11. PROPOSED JURISDICTIONAL WETLAND FILL (CONTINGENT ON USACE PERMITTING): 13,686 SQ.FT. (0.31 ACRES)
12. SCOPE: THIS PROJECT PROPOSES CONDITIONALLY REZONING TO C-GB TO ALLOW FOR CONTRACTOR SERVICES FACILITY ALONG WITH THE ASSOCIATED SITE IMPROVEMENTS.
13. APPROXIMATE LOCATION OF PROPOSED STORMWATER AREAS IS PRELIMINARY AND CONTINGENT UPON ACTUAL DETERMINATION OF SEASONAL HIGH WATER TABLE ELEVATION, INFILTRATION RATES OF EXISTING SOIL MATERIALS, SIZING BASED UPON CURRITUCK COUNTY NON-RESIDENTIAL STANDARDS, AND REVIEW AND APPROVAL.
14. APPROXIMATE LOCATION OF PROPOSED SEPTIC AREAS IS PRELIMINARY AND CONTINGENT UPON SITE EVALUATION BY ARHS, SIZING AND DESIGN BY ENGINEER, AND REVIEW AND APPROVAL.
15. FEASIBILITY SKETCH PLAN IS PRELIMINARY AND FOR DISCUSSION ONLY. SITE SIZING AND DESIGN HAS NOT YET BEEN COMPLETED AND NO THOROUGH REVIEW OF THE COUNTY UDO TO VERIFY COMPLIANCE WITH ALL DIMENSIONAL STANDARDS AND REQUIREMENTS HAS OCCURRED.
16. PER CURRITUCK COUNTY UDO, NO METAL SIDING IS ALLOWED WITHIN VIEW OF US HIGHWAY 158.
17. PER CURRITUCK COUNTY UDO, COMMUNITY COMPATIBILITY STANDARDS APPLY TO PORTIONS OF THE PROPOSED STRUCTURE ADJACENT TO RESIDENTIAL USES.

LEGEND

- EXISTING CONCRETE
- EXISTING ASPHALT
- EXISTING WETLANDS
- EX. IRON PIPE, EIP
- EX. CONCRETE MONUMENT, ECM
- CALC POINT, CALC
- PROPOSED DRIVE
- PROPOSED WETLAND FILL
- PROPOSED CURB & GUTTER



CURVE TABLE				
CURVE#	LENGTH	RADIUS	CHD LENGTH	CHD BEARING
C1	288.52'	2886.42'	288.51'	N 65° 15' 39" W
C2	165.94'	2886.42'	165.92'	N 59° 49' 08" W



VICINITY MAP (CURRITUCK)
N.T.S.

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811 Know what's below. Call before you dig.

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5011 BEACH BLVD
SUITE 101
WILMINGTON, NC 28711
PHONE: (910) 392-75
FAX: (910) 392-7994
contact@quible.com
www.quible.com

NORTH CAROLINA PROFESSIONAL SEAL
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NO.	DATE	REVISIONS

CONCEPTUAL DEVELOPMENT PLAN

CLUNY, LLC
PIN: 8979-37-9862

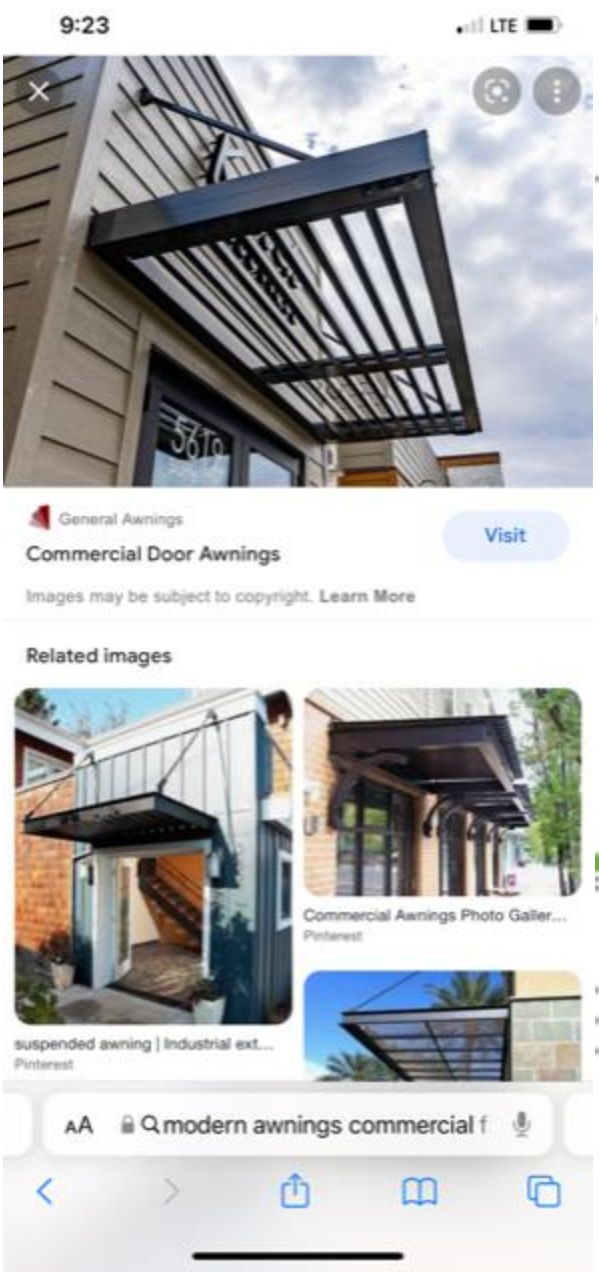
CURRITUCK COUNTY
CRAWFORD TOWNSHIP
NORTH CAROLINA

PROJECT NO.	P21050
DESIGNED BY	JTM/JJC
DRAWN BY	JTM/JJC
CHECKED BY	DLT
ISSUE DATE	10/19/23

SHEET NO. 1 OF 1 SHEETS

2,625

10:46
SEARCH
CENTRAL PHOTOGRAPHY
OFFICE CENTER
Commercial Building Plan, 006C-0015
Plan 006C-0015
Click to enlarge. Views may vary slightly from working drawings. Refer to floor plan for actual layout.
AA
thehouseplanshop.com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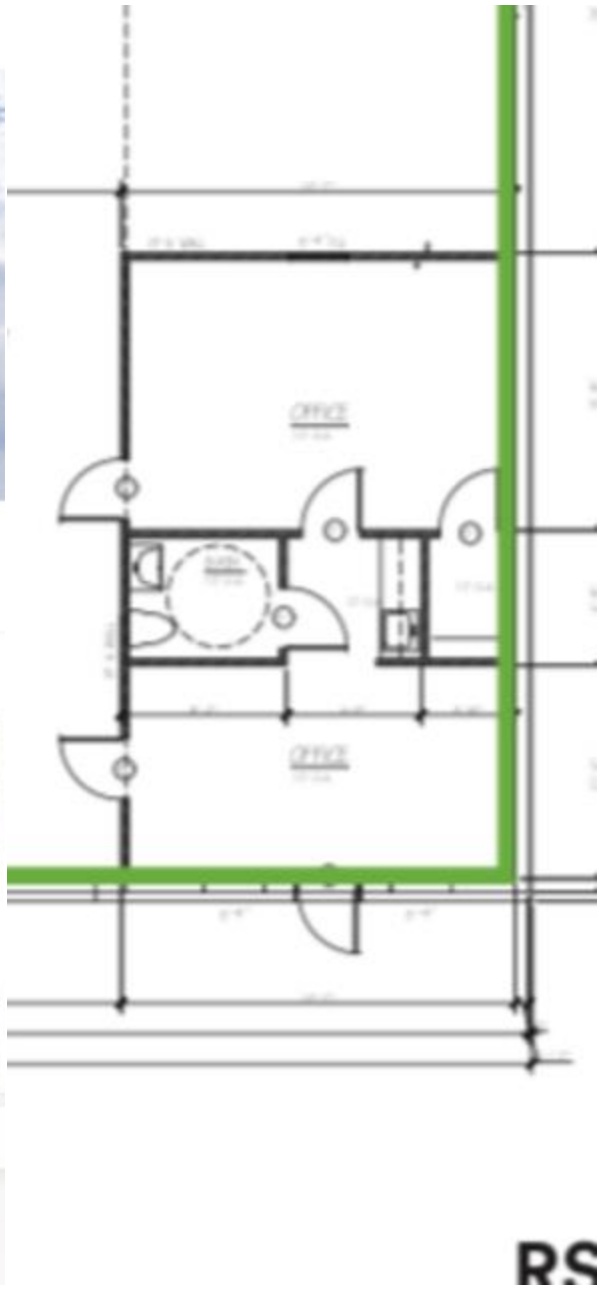
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Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING

SINCE 1959

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

December 14, 2023

Mr. Jason Litteral, CFM
Currituck County Planning & Zoning
153 Courthouse Road, Suite 110
Currituck, NC 27929

Re: Cluny, LLC Conditional Rezoning
TRC Comment Responses

Mr. Litteral,

Thank you for the new TRC review comments, dated December 7, 2023 for the Conditional Rezoning of the Cluny, LLC parcel located on the southeast corner of Caratoke Hwy and Tulls Creek Road in Currituck County.

On behalf of Cluny, LLC, Quible & Associates, P.C., hereby submits, for your review and approval, the following comment responses in blue:

Planning (Jason Litteral)

1. In my research of the origins of the subject parcel, I have discovered it may not be an existing lot (lot of record) according to the UDO definition which reads as follows:

   EXISTING LOT (LOT OF RECORD)

   A lot which is a part of an approved subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Currituck County, or a lot described by metes and bounds, the description of which has been so recorded and which at the time of recordation and the time it was originally subdivided met all applicable subdivision and zoning regulations then in effect. In addition, this definition shall include lots for which a plat and/or deed is recorded in the Office of the Register of Deeds and the lot was created prior to August 2, 1965; a lot upon which an existing structure is located provided a valid building permit was obtained for the construction; or, a lot which at the time of creation met all subdivision and zoning requirements provided a plat is approved by the administrator and recorded with the Register of Deeds containing a certification as to having met the then existing regulations in effect.

   According to the most current deed, this lot was created as part of an estate division in 1969 which is after the prescribed date of August 2, 1965. Furthermore, I could not locate a recorded approved subdivision plat. It may be possible to record a new plat with a certification that the lot met the subdivision regulations in effect at the time it was created by deed. This will require further research into the subdivision requirements of 1969. If this cannot be resolved, a building permit cannot be issued for the property.

   Acknowledged. The owner has been made aware of this and will be working with their surveyor and attorney to create and record a plat which will meet the lot of record requirements.

2. The lot is located within a G-2 Land Use Plan Transect which is described as follows:

G-2: CONTROLLED GROWTH

The G-2 classification contains medium-density residential developments and neighborhood-scale commercial nodes. This sector is characterized by an interconnected local road network, available water or wastewater, and walkable neighborhoods that connect to parks, open space, commercial nodes, and other neighborhoods.

Neighborhood serving commercial uses typically include professional services and or small-scale retail uses. Contractor services uses may not be an appropriate fit for this Land Use Plan Transect.

Acknowledged. The owner is of the understanding that a Contractor Services building would be an appropriate use for this area to help serve nearby neighborhoods with their contractor use needs such as HVAC, electrical, plumbing, etc.

3. Land use Goal 2 reads as follows:

2. Carefully consider the design and location of intensive and potentially incompatible land uses to mitigate compatibility issues such as environmental quality, safety, overburdening local infrastructure, scale, use, design, location, and adverse effects.

And policy 2.2 reads:

2.2 Continue to prohibit incompatible or poorly planned commercial encroachment near residential areas.

Acknowledged. Although a Contractor Services use could be considered to be incompatible with adjacent single-family homes, the property is laid out as such that would provide significant buffer between the uses. The natural hardwood forest and wetland areas surrounding the proposed development are not proposed to be disturbed and would provide a dense, vegetative buffer between all adjacent properties.

4. The following environmental policies are relevant to the rezoning request:

GOALS AND POLICIES

1. Preserve and protect the County's environmentally significant and sensitive lands and surrounding areas.

1.1 Preserve coastal and non-coastal wetlands and riparian buffers for their natural resilience benefits.

1.2 Future growth areas shall avoid Natural Heritage Areas.

4.5 Conserve and protect coastal and non-coastal wetlands for the valuable functions they perform in protecting water quality, absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table and providing critical habitat for many plant and animal species.

These are some of the land use policies that are of concern to staff when considering the recommendation to the planning board. There are of coarse favorable land use policies as well, including some economic development policies which would support the rezoning. Due to an imbalance of unfavorable verses favorable policies, it appears staff cannot support the conditional rezoning as proposed.

Acknowledged. The proposed project does not include any impacts to coastal wetlands and impacts to non-coastal wetlands are limited to amounts allowable under the "Nationwide" Permitting process through US Army Corps of Engineers. No wetlands or watercourses will be blocked or obstructed, and the majority of wetlands and forested areas will be preserved.

5. We have received several emails from residents of Currituck on the Sound and Rivers Edge expressing stormwater/drainage concerns. These have been added to the file and can be shared with you upon request.

   Acknowledged. Quible has requested and received the emails from adjacent neighborhood residents. After review of the emails, we understand that the majority of the concerns are potential drainage issues related to the existing ditches that run through this property. It should be noted that Denby Ditch, a commonly mentioned ditch of concern in the emails, runs behind this property and to the south of the proposed improvements. It is not anticipated that the proposed improvements will affect this drainage ditch. Another (unnamed) ditch, which does connect to Denby Ditch, runs through the proposed improvements. A pipe network will be proposed to intercept this flow and direct it past the proposed improvements. The pipe size and type will be calculated and determined during the site plan phase of this project and will be sized appropriately to prevent any drainage restrictions.

6. Please submit copies of any wetland determinations and or wetland fill permits you have obtained.

   Acknowledged. Please see the enclosed PJD verifying the wetland delineation. Copies of all additional Jurisdictional Determinations and wetland fill permits will be provided during the Site Plan phase of this project.

7. Stormwater comments from McAdams will be attached to the email containing this document.

   Acknowledged. Quible is in receipt and will respond to the comments accordingly.

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

1. Needed Fire Flow for construction is determined by the ISO method.

   Acknowledged. The Needed Fire Flow calculation will be determined during the Site Plan design phase of this project.

2. No new construction can occur that creates a Needed Fire Flow greater than the available fire flow on site.

   Acknowledged.

3. Knox Box provided on buildings (Coordinate location with the local VFD for building and order the box at Knox website to order search for Currituck Co Fire-EMS at http://www.knoxbox.com

   Acknowledged.

4. Fire hydrant within 400' of all portions of the structure. 600' when building is equipped with approved sprinklers.

   Acknowledged.

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

1. Sidewalk appears to conflict with existing roadside ditch.

   The sidewalk is proposed to run adjacent to the existing roadside ditch without any major impacts to the existing, nearby drainage features. More detailed design will be provided during the Site Plan phase of the project.

2. The proposed retaining wall may need engineering review.

   Acknowledged.

3. Where would the proposed storm water basin empty to?

   The proposed stormwater basin would likely have an outlet control structure which would be used to route the design stormwater runoff from proposed impervious areas. Runoff from storms larger than the design storm would be routed through the outlet control structure and discharged to the existing wetlands adjacent to the improvements.

4. Ditch SW of structure & parking lot is not WOTUS under new guidance, still needs to show connecting culvert under drive.

   Acknowledged. Any improvements that are proposed over an existing ditch will be rerouted utilizing appropriate sized culverts.

5. Is there an existing Wetland Delineation performed within the past 5 years?

Please see the enclosed PJD verifying the current wetland delineation.

Currituck County Public Utilities – Mainland Water (Dave Spence 252-232-4152)

Reviewed, since this is a rezoning I have no comments.

Acknowledged.

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

Reviewed, Will the rezoning be to C-GB or GB?

The rezoning should be C-GB since this is a Conditional Rezoning application.

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

Reviewed, No Comment

Acknowledged.

Stormwater Consultant, McAdams (Daniel Wiebke, 919-361-5000)

No comments yet

Acknowledged. We are in receipt of the submitted McAdams comments.

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

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

Acknowledged. All appropriate USACE permits will be applied for and received during the Site Plan phase of this project.

McAdams Stormwater Review Comments

APPLICATION

1. (Pg 1/4) According to Currituck Co GIS website the legal acreage for the site is 3.47 ac, not 3.43. Please just verify that property line is correct.
   The survey data listed on the Sketch Plan is based on a signed survey by Timmons Group titled "Topographic Survey for Cluny, LLC" dated 09/25/2023. It is not known where the Currituck County GIS website references their acreage.

2. Please ensure that applications for impacting wetlands are submitted, approval of impacts will be required prior to approval of site plan. Please also provide the jurisdictional wetland determination.

Acknowledged. Please see the enclosed PJD verifying the current wetland delineation. All permits for impacting wetlands will be received during the Site Plan phase of the project.

3. It appears that this development exceeds the 10,000 sf BUA threshold for requiring a state stormwater permit. Please ensure that the state stormwater permit is provided with site plan.

   Acknowledged. All State permits will be received during the Site Plan phase of the project.

DRAWINGS

4. (Pg 3/4) Both basins are situated on existing grades that are higher or equal to much of the proposed impervious on the site. How will runoff from the development get into the basins and then outlet to a lower elevation?

   Acknowledged. A formal grading design will be performed during the Site Plan phase of the project and will demonstrate collection and treatment of runoff from all impervious surfaces.

5. (Pg 3/4) Ensure that enough space is set aside for both basins for grading, the basin area, and an overflow or outlet structure. Each basin is only 5-10' wide at the thinnest point.

   Acknowledged. A formal stormwater collection, treatment, and disposal design will be performed during the Site Plan phase of the project.

6. (Pg 3/4) There is significant fill proposed against the property line and a retaining wall that continues into the ROW. Currituck County UDO Section 7.3.4.C(4) requires a 10-foot setback from lot lines for fill.

   Acknowledged. A formal grading design will be performed during the Site Plan phase of the project and will demonstrate compliance with the Currituck County UDO.

7. (Pg 3/4) There are a few call-outs or dimensions on the drawing that do not appear to point to linework shown. Please correct call-outs so that they correctly label site features, setbacks, etc.

   Acknowledged. Please see the enclosed, revised Conceptual Development Plan.

8. (Pg 3/4) Advisory Comment for Site Plan: The basin on the south side of the site is completely surrounded by development (driveways, building, sidewalks). Where will the outflows from the basin be directed?

   It is anticipated that the outflow from the basin on the south side of the property will be designed with an outlet control structure which will route the basin through a pipe to the adjacent downstream wetlands. A formal stormwater collection, treatment, and disposal design will be performed during the Site Plan phase of the project.

9. (Pg 3/4) Advisory Comment for Site Plan: Please ensure that the proposed pipe to connect the drainage ditch across the driveway/parking lot is sized properly.

   Acknowledged. All pipes that will intercept and redirect the drainage ditches will be appropriately sized during the Site Plan phase of the project.

At your earliest convenience, please review the provided comments and let us know if you have any questions. Due to scheduling conflicts for the February Planning Board meeting, we respectfully request to be placed on the **March 12, 2024** Planning Board meeting.

Sincerely,

Quible & Associates, P.C.

Dylan L. Tillett, P.E.

cc: Cluny, LLC

P.O. Drawer 870 ▪ Kitty Hawk, NC 27949
Telephone (252) 491-8147 ▪ Fax (252) 491-8146

NOTES:

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   PO BOX 116
   BARCO, NC 27917
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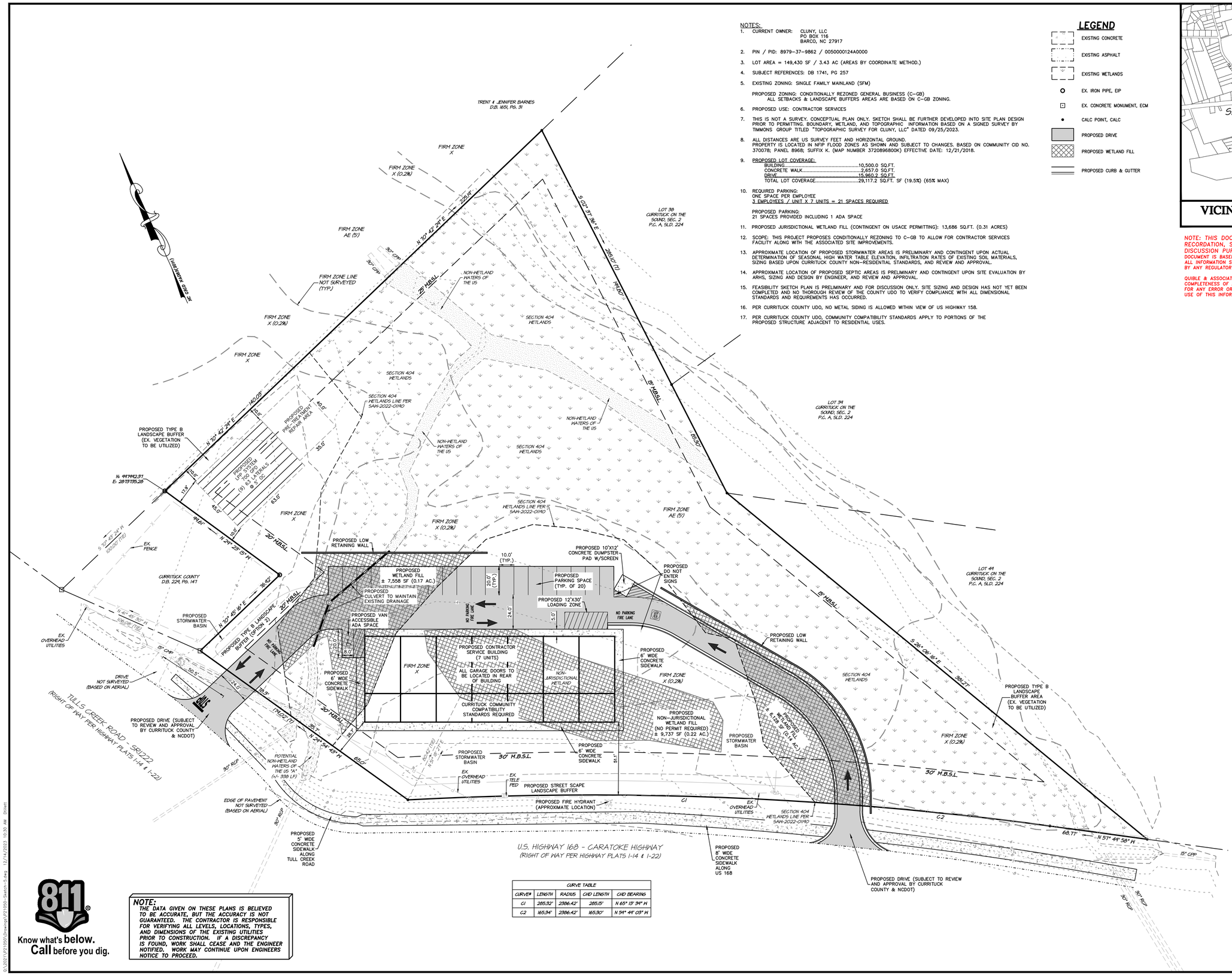
12. SCOPE: THIS PROJECT PROPOSES CONDITIONALLY REZONING TO C-GB TO ALLOW FOR CONTRACTOR SERVICES FACILITY ALONG WITH THE ASSOCIATED SITE IMPROVEMENTS.
13. APPROXIMATE LOCATION OF PROPOSED STORMWATER AREAS IS PRELIMINARY AND CONTINGENT UPON ACTUAL DETERMINATION OF SEASONAL HIGH WATER TABLE ELEVATION, INFILTRATION RATES OF EXISTING SOIL MATERIALS, SIZING BASED UPON CURRITUCK COUNTY NON-RESIDENTIAL STANDARDS, AND REVIEW AND APPROVAL.
14. APPROXIMATE LOCATION OF PROPOSED SEPTIC AREAS IS PRELIMINARY AND CONTINGENT UPON SITE EVALUATION BY ARHS, SIZING AND DESIGN BY ENGINEER, AND REVIEW AND APPROVAL.
15. FEASIBILITY SKETCH PLAN IS PRELIMINARY AND FOR DISCUSSION ONLY. SITE SIZING AND DESIGN HAS NOT YET BEEN COMPLETED AND NO THOROUGH REVIEW OF THE COUNTY UDO TO VERIFY COMPLIANCE WITH ALL DIMENSIONAL STANDARDS AND REQUIREMENTS HAS OCCURRED.
16. PER CURRITUCK COUNTY UDO, NO METAL SIDING IS ALLOWED WITHIN VIEW OF US HIGHWAY 158.
17. PER CURRITUCK COUNTY UDO, COMMUNITY COMPATIBILITY STANDARDS APPLY TO PORTIONS OF THE PROPOSED STRUCTURE ADJACENT TO RESIDENTIAL USES.

LEGEND

- EXISTING CONCRETE
- EXISTING ASPHALT
- EXISTING WETLANDS
- EX. IRON PIPE, EIP
- EX. CONCRETE MONUMENT, ECM
- CALC POINT, CALC
- PROPOSED DRIVE
- PROPOSED WETLAND FILL
- PROPOSED CURB & GUTTER

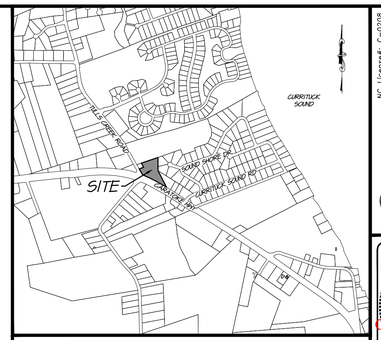


CURVE TABLE				
CURVE#	LENGTH	RADIUS	CHD LENGTH	CHD BEARING
C1	288.92'	2366.42'	288.15'	N 65° 13' 34" W
C2	165.34'	2366.42'	165.30'	N 54° 44' 03" W

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

Know what's **below.**
Call before you dig.

GRAPHIC SCALE
30' 0 15' 30' 60'
(IN FEET)
1 inch = 30 ft.



VICINITY MAP (CURRITUCK)
N.T.S.

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NORTH CAROLINA PROFESSIONAL SEAL DYLAN L. TYLER
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CERTIFICATION

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NO.	DATE	REVISIONS

CONCEPTUAL DEVELOPMENT PLAN

CLUNY, LLC
PIN: 8979-37-9862

CURRITUCK COUNTY
CRAWFORD TOWNSHIP
NORTH CAROLINA

PROJECT NO.	P21050
DESIGNED BY	JTM/JJC
DRAWN BY	JTM/JJC
CHECKED BY	DLT
ISSUE DATE	12/14/23

SHEET NO. 1 OF 1 SHEETS

Quible

Quible & Associates, P.C.

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

November 14, 2023

Jason Litteral
Currituck County Planning and Community Development
153 Courthouse Road
Currituck, NC 27929

RE: **Community Meeting Report**
Conditional Rezoning Application
PID: 0050000124A0000
PIN: 8979-37-9862
Currituck, Currituck County, NC

Mr. Litteral,

A community meeting for the proposed Conditional Rezoning Application of the above referenced parcel located in Currituck, Currituck County was held on Monday, November 13, 2023 at 4:00 p.m. in the Barco Public Library's Meeting Room located at 4261 Caratoke Hwy, Barco, NC. The meeting was conducted by Quible & Associates, P.C. (Quible) on behalf of Cluny, LLC (Applicant/Developer) with representatives of Cluny, LLC and Currituck County in attendance.

Purpose

The purpose of the meeting was to inform the community in the vicinity of the subject parcel of the intent to apply for a Conditional Rezoning to allow for a contractor services building design and use. The existing parcel consists of vacant, wooded uplands and wetlands. The parcel is currently zoned SFM (Single Family Mainland) and the conditional rezoning application proposes a change to GB (General Business).

Meeting synopsis

The Meeting Room was opened to the public prior to the meeting and guest/representatives started arriving at 3:30 p.m. Prior to beginning the community meeting, an "Open House" viewing of the Conceptual Development Plan took place. A copy of the meeting agenda and blank Comment Sheets were available to the attendees on a table at the front of the room. A sign-in sheet with a provided pen was also next to these items.

As attendees arrived, they were asked to provide their contact information on the sign-in sheet at the table in the front. Attendees were also advised that comments could be received by Quible either by email, telephone, or comment sheet provided at the meeting.

At 4:00 p.m. a presentation of the proposed conditional rezone and development was provided by Quible. Attendees were reminded to pick up a copy of the meeting agenda and to fill out their information on the sign-in sheet. The presentation followed the outline on the Agenda that was provided.

Quible (Brian Rubino) introduced himself, the Applicant (Cluny, LLC) and the County Representatives (Jason Litteral and Anna Cherry) and began with a brief discussion about the County procedures for reviewing and approving the proposed project and the purpose for the community meeting requirement.

The parcel proposed for the Conditional Rezoning was described and identified on the exhibit. The surrounding zonings and land uses were also described. The subject parcel was described as being surrounded by adjacent SFM with GB zoning located directly across the right of way on each of the opposite three sides of the intersection. A conceptual development plan of the proposed building was then shown to the attendees. The proposed sketch was described as in compliance with the Bulk Dimensional requirements specified in the Currituck County UDO under the GB district requirements.

At the conclusion of the presentation, the floor was opened for questions from the audience. Comments and questions received during the meeting were as follows:

1. An attendee asked about the stormwater runoff and the existing wetlands. Their concern was an increase in flooding.
   Quible stated that the runoff from impervious surfaces of this development would be collected and treated prior to being released downstream. The stormwater design would be in accordance with the State and County Stormwater Permitting.
2. An attendee asked about the existing drainage ditch that is located on the lot and asked if the proposed development was going to block that drainage feature.
   Quible confirmed that there are existing drainage features located on the property. There is a portion of the proposed project that does cross this drainage feature. At this location, the existing ditch will be replaced with a proposed pipe. The pipe will be properly sized during the time of site plan design. Quible reminded the room that this meeting was for the conditional rezoning application. The sizing of all culverts will be performed thoroughly during the site plan design phase of the project.
3. An attendee asked about the Army Corps of Engineers (ACE) wetlands located on the property and the downstream conveyance of the ditch which ultimately discharges to the sound.
   Quible responded confirming that these drainage features do ultimately make their way to the Sound. Any cleaning of the ditches and wetlands would need to be permitted through ACE.
4. An attendee mentioned that the wetlands can be full of water in some areas.
   Quible agreed.
5. An attendee asked what sort of contractor services are going to be proposed?
   Quible and the owner, Cluny, LLC, responded stating that the typical tenants could be electricians, plumbers, HVAC contractors, etc.
6. An attendee asked what the building would look like.
   The owner stated that they will look like modern, nice building and would be in conformance with Currituck County building requirements for this area. Mr. Innes stated that the building will look reasonable and attractive.
7. An attendee asked if hazardous products will be stored at the building.
   The owner stated no, there are no plans to store hazardous material at this building.

8. An attendee asked if lighting would be installed that would be a nuisance to the nearby properties.
   The owner stated that lighting would not be an issue. The owner mentioned having timed lights that would turn off at a pre-programed time.
9. An attendee asked how the process for this development works and what are the next steps.
   Quible explained that this community meeting was the first of many steps. The next step for the conditional rezoning is an application submittal to the County, followed by TRC review, followed by Planning Board review, and lastly the Board of Commissioners. Once the Board of Commissioners decision was received, the Major Site Plan submittal to the County would follow. The Major Site Plan decision will be determined at TRC level if the Conditional Rezoning is successful.
10. An attendee asked if the building will look like a 7/11 store. (The owner referred to looking nice like the new 7/11 store that was recently built)
    The owner clarified that he does not intend to build a 7/11 store. His point was that the proposed building façade will look nice like the newly constructed buildings shown around the County.
11. An attendee asked if there was going to be any barrier between this proposed development and the adjacent property owners.
    Quible answered that there was a large area of wetlands between the adjacent residential properties and the proposed building. These wetland are dense with vegetation including mature hardwood trees and are proposed to remain. This should provide a dense and existing buffer between the adjacent residential properties and the proposed building.
12. An attendee asked if the Conditional Rezoning (assuming approval) would run with the property.
    The County staff confirmed that the conditional rezoning would continue with the property should the property change hands.
13. An attendee asked about the entrance along the highway and to explain what direction traffic will go in the drive isle of the proposed development.
    Quible answered that the owner has had preliminary discussions with NCDOT and that the entrance from Caratoke highway will be right in (north bound), one way traffic. Exiting traffic will exit through the entrance/exit at Tulls Creek Road, which will be a 2-way drive isle. At this time several attendees complained about the traffic on Tulls Creek Road around the existing stoplight at this intersection.
14. An attendee asked if special examination would be used for any protected species like salamanders or anything else.
    Quible stated that the environmental permitting associated with a project like this does take protected species into consideration. As of currently, there have not been any protected species found on this property.
15. An attendee asked if big trucks would frequent the new development.
    The owner stated that the majority of anticipated vehicles would be vans and pickup trucks. It's possible some box trucks would also be included. It was not anticipated for large trucks to visit the property frequently other than deliveries which would be unknown at this time as to how frequent that would be.
16. An attendee asked if there would be an auto repair shop as one of the tenants.
    The owner stated no. There will not be an auto repair shop.

17. An attendee that stated she owned the body shop across the highway asked if the parked vehicles in her yard were going to be an issue for the new development. She wanted to know if she was going to get complaints from the tenants of the new building.
    The owner stated that they had no issues with her business. The attendee then stated that as long as the proposed development doesn't have an impact on flooding, then she had no problem with it.
18. An attendee asked "why pick this property for the development?"
    The owner stated that it was his opinion that this was a great piece of land for this development and that he believed it fit in great with the surrounding area.
19. Several attendees mentioned the flooding of the wetlands when the wind blows certain directions.
    Quible assured that this development would meet the State and County requirements for stormwater permitting. The group of attendees went on to state that this property was needed for the adjoining subdivision's stormwater storage. No answer was provided to that comment.
20. An attendee asked the property owner if they were willing to clean out the downstream ditch that leads to the sound. The intention was that cleaning out the ditch would help the performance of the ditch to drain the runoff from the adjacent properties.
    The owner responded that he was willing to clean out the ditches to a reasonable extent.
21. At this time multiple members of the audience started discussing the existing drainage ditches that were in the proximity of this area. They talked about the location of them, which direction they headed, what culverts they were connected to, etc. There wasn't a specific question that came out of this discussion other than a back and forth of audience members.
22. An attendee that stated he lived adjacent to the project mentioned that his driveway culvert was crushed. He stated that the culvert was in the DOT right of way.
    Quible responded to him to contact NCDOT with this information. The attendee stated that he did, but NCDOT didn't do anything about it.
23. An attendee asked what would be the difference between leaving this property as it was or going through with the conditional rezone.
    The County Representative, Jason Litteral, answered stating that GB allows 65% maximum coverage and SFM allows 30% maximum coverage.
24. An attendee asked what was the next meeting schedule.
    Quible stated that the TRC meeting would be held on 12/6/23, the Planning Board meeting would be 2/13/24, and the Board of Commissioners Meeting would be 3/4/24.
25. Some attendees spoke up stating that they did not receive the adjacent property owner notification letter until the day of the meeting, the day before the meeting, or some hadn't received it at all yet.
    Quible responded that Currituck County planning staff provides the notification list of property owners within 500 feet of the project. The County requires the letters to be mailed 10 days before the meeting. In this case, the meeting was held on 11/13/23 and the letters were mailed on 10/30/23, far exceeding the mailing requirements. It has been commonly understood that USPS has been showing significant delays with some mailings. The intention of getting the letters out exceeding the 10 day's notice was to provide the recipients with plenty of notice for the meeting.

Upon the conclusion of the discussions and questions listed above, attendees were again reminded that any further questions or comments not addressed at the meeting could be forwarded to Quible and the meeting was adjourned. It was Quible's understanding that the majority of the attendees had concerns with the existing flooding that takes place in nearby low-lying areas. It should be noted that the project will be designed in accordance with the Currituck County Stormwater Manual and UDO which will re-route all stormwater runoff within the proposed development from the 5-year post development storm back to the 2-year pre-development storm (wooded condition).

Copies of all the handouts that were available at the meeting are provided in attachments to this document.

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

Sincerely,
Quible & Associates, P.C.

Dylan L. Tillett, P.E.

cc: Cluny, LLC
File

Quible & Associates, P.C.
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Community Meeting for the Conditional Rezoning – Cluny, LLC
Contractor Services Building
Crawford, Currituck County, NC

November 13, 2023
4:00 PM – 5:00 PM
AGENDA

1. **General Introduction**
   a. Quible & Associates, P.C.
   b. Cluny, LLC, Applicant
   c. Currituck County

2. **Property Location/Facts**
   a. PIN# 0050000124A0000
   b. Total lot area = +/- 149,430 SF (3.43 AC)
      i. Current Land Use
      ii. Site Zoning: The parcel is currently zoned Single Family Mainland (SFM) and is proposed to be conditionally rezoned to General Business (GB)

3. **Community Meeting Purpose**
   a. Informal informational meeting regarding Applicant's request to Conditionally Rezone SFM property to GB to allow for contractor services facility along with the associated site improvements.
   b. Opportunity to hear comments and concerns as a means of resolving conflicts and issues, where possible.
   c. Opportunity to consider ways of improving the project to better serve the community.

4. **Development Proposal**
   a. Conditionally Rezone SFM property to GB to allow for contractor services facility along with the associated site improvements.

5. **Applicant Submittal Timeline**
   a. Application Submittal Deadline – 11/16/2023
   b. TRC Meeting – 12/06/2023
   c. Planning Board Meeting – 02/13/2024
   d. Board of Commissioners Meeting – 03/04/2024

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

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Conditional Rezoning, Cluny, LLC Contractor Services
Crawford, Currituck County, North Carolina
Quible & Associates Project No. 21050
The Following Persons Were in Attendance of the Community Meeting on November 13, 2023

#	Name	Company / Organization / Address	Telephone No.	Fax No.	Email
1.	DYLAN TILLETT	QUIBLE + ASSOCIATES, P.C.	252-491-8147		dtillett@quible.com
2.	Brian Rubino	Quible & Associates, P.C.	252-491-8147		brubino@quible.com
3.	Jim Vaughn		252-232-3097		
4.	Tony + Linda Long		252-455-3744		
5.	Ronald & Valerie Olds		630-240-[illegible]		ronald.olds@uchsi.com
6.	Steve Metcalfe		(757)692-8127		shmetcalfe@hotmail.com
7.	Robert Williams		252 722 5522		behobe@hotmail.com
8.	Rose Odom		252 232 2988		
9.	Trent Barnes	2515 Tulls Creek Rd	360-929-4895		newbarnes29@gmail.com
10.	Jennifer Barnes	"	360-929-0805		
11.	James G. Pitts		252-435-5679		Jimmy.Pitts252@gmail
12.	DINA McCLANAN	107 Sound Shore Dr.	232 3534		
13.	WAYNE McCLANAN	" " "	"		
14.	JIM SANDERLIN	104 CYGNET CT	252-435-2409		
15.	Stuart Innes	Cluny Manager	252 619 6919		stuartinnes@gmail.com
16.	Josh Bass	103 Egret Moyock	757-641-4746		
17.	James Thibeault	174 Mariners Way Moyock	252-599-3576		
18.					

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Conditional Rezoning, Cluny, LLC Contractor Services
Crawford, Currituck County, North Carolina

Quible & Associates Project No. 21050

The Following Persons Were in Attendance of the Community Meeting on November 13, 2023

#	Name	Company / Organization / Address	Telephone No.	Fax No.	Email
19.	JASON LITTERAL	CURRITUCK COUNTY	252-232-6052		jason.litteral@currituckcountync.gov
20.	Anna Cherry	" "	252-207-6066		anna.cherry@currituckcountync.gov
21.	Marly West	Cedar Crest Plantation	252-2077711		mmwest@mchsi.com
22.	WILLIAM BLASLEY	101 CYGNET CT., CURRITUCK, NC 27929	252-202-6261		BLASLEY.WILLIAM@CENTURYLINK.NET
23.	Harriet Kralik	110 Blue Heron CV, Moyock, NC 27958	252 421-9110		harrietkralik@gmail.com
24.					
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Community Meeting for Conditional Rezoning – Lot 5, Ward Acres Subdivision
Parcel Identification Number 8032-81-2823
Moyock, Currituck County, NC

Comments: _____

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Contact Information:_____

_____

Comments can be sent to Dylan L. Tillett, P.E. of Quible & Associates, P.C. by email at dtillett@quible.com

Currituck County
Development Services Department
Planning Division
153 Courthouse Road, Suite 110
Currituck, NC 27929
252-232-3055

To: Board of Commissioners

From: Planning Staff

Date: April 30, 2024

Subject: **PB 24-11** Carolina Designs – Property Management Offices and Operations Text Amendment

Carolina Designs submitted a text amendment to the Unified Development Ordinance (UDO), Chapter 4, Use Standards, to add a new *Property Management Offices and Operations* use. As proposed, the new use would be permitted with issuance of a zoning permit in the General Business, Village Center, Light Industrial, Heavy Industrial, PDM and PDO zoning districts. A new section 4.2.5.B.(6) will add specific standards for the Property Management Offices and Operations use.

The request includes an amendment to Chapter 5, Section 5.1.3.C, to establish an appropriate parking standard for the new use.

Amendment to Chapter 10, Sections 10.4.5 and 10.5 is requested to describe the characteristics of the new use and add a definition of *Property Management Offices and Operations*.

Background
Uses commonly accessory to a property management office include receiving, sorting, storage and delivery of clean linens, storage of cleaning supplies, and the storage and or repair of small appliances and other items that frequently need to be replenished or replaced. The current ordinance language limits accessory uses to 25 percent of the heated floor or buildable area of the principal use. The combined square footage of the linens and storage areas often exceeds that threshold. The requested text amendment is intended to provide flexibility in the size of each of the components of a property management business while they collectively continue to operate as a property management office.

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 Consistency Statement:

The requested text amendment is consistent with the goals, objectives, and policies of *Imagine Currituck 2040 Vision Plan* and the UDO, including:

- **Land Use Goal 3** - Support new and existing commercial developments that adhere to quality community appearance and design standards, including landscaping improvements and signs tailored to achieve a unique community character.

- **Economic Development Goal 1** - Support the retention and expansion of existing businesses and promote the development of new businesses, especially those that help diversify the local economy and are compatible with the county's natural amenities and environment.

Planning Board Recommendation
On April 9, 2024, the Planning Board recommended approval of the request as submitted 6-0.

Planning Board Discussion
Jason Litteral presented the staff report and explained the changes requested for the text amendment saying they were consistent with the Imagine Currituck 2040 Vision Plan's Land Use Goal 3 and Economic Development Goal 1. Mr. Litteral said staff is recommending approval and instructed the board to review the text amendment review standards found in the staff report.

The applicant, Monica Thibodeau of 126 Seaside Drive, Duck, came before the board. Ms. Thibodeau gave the background on her business and explained why the requested text amendment was necessary.

There was no board discussion.

Motion
Vice Chairman Owens moved to **approve PB 24-11 Carolina Designs Text Amendment** because the request is consistent with the goals, objectives, and policies of *Imagine Currituck 2040 Vision Plan* and the UDO, including **Land Use Goal 3** and **Economic Development Goal 1**.

Ms. Krause seconded the motion, and the motion was approved unanimously 6-0.

PB 24-11 CAROLINA DESIGNS TEXT AMENDMENT BOARD OF COMMISSIONERS

MAY 6, 2024

Carolina Designs requests an amendment to the Unified Development Ordinance, Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurement, to add a new *Property Management Offices and Operations* use type allowing a larger area for accessory uses such as the distribution of linens and the storage of frequently needed items such as small appliances.

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

Item 1: That Chapter 4, Section 4.1.2. Use Table is amended by adding the following underlined language:

TABLE 4.1.1.A.: SUMMARY USE TABLE

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

Use Category	Use Type	Zoning District [Note: Overlay or Sub-District Requirements May Further Limit Uses]															Additional Req. (4.2.___)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	VC	LI	HI	PD-R	PD-M	PD-O	
Commercial Use Classification																	
Industrial Services	Property Management Offices and Operations								Z		Z	Z	Z		MP	MP	5.B.6

Item 2: That Chapter 4, Section 4.2.5. Industrial Uses is amended by adding the following underlined language:

4.2.5. Industrial Uses

B. Industrial Services

(6) Property Management Offices and Operations

a) Property Management Offices and Operations shall meet all applicable requirements for the zoning district in which they are located including, but not limited to, non-residential design standards.

b) The office portion of the use, including any breakrooms, conference rooms, restrooms, and any offices that may be disconnected from the main office area, shall comprise at least 30 percent of the combined gross floor area of all buildings.

c) Operations including an in-house laundry facility for cleaning linens shall be considered a Laundry Plant.

Item 3: That Chapter 5, Section 5.1.3. Development Standards is amended by adding the following underlined language:

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS		
USE CATEGORY	**USE TYPE**	**MINIMUM NUMBER OF PARKING SPACES**
INDUSTRIAL USE CLASSIFICATION		
Industrial Services	Property Management Offices and Operations	1 per 300 sf of office space (see section 4.2.5.B (6) b) + 1 per 1,000 sf of remaining floor area

Item 4: That Chapter 10, Section 10.4.6.B Industrial Services is amended by adding the following underlined language:

B. **Industrial Services**

(2) **Examples**

Example use types include machine shops; tool repair; electric motor repair; repair of scientific of professional instruments; heavy equipment sales; rental, or storage; heavy equipment servicing and repair, building, heating, plumbing, or electrical contractors; fuel oil bottled gas distributers; research and development facilities; property management offices and operations; laundry, dry-cleaning, and carpet cleaning plants; and general industrial services use.

Item 5: That Chapter 10, Section 10.5 Definitions is amended by adding the following underlined language.

PROPERTY MANAGEMENT OFFICES AND OPERATIONS

Uses primarily engaged in the supervision and administration of rental properties including, but not limited to, marketing, reservations, revenue management, guest satisfaction, cleaning and maintenance, and linen services.

Item 6: Staff suggested Statement of Consistency:

CONSISTENCY STATEMENT TO BE ADDED FOLLOWING BOARD ACTION

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 _____ _____, 2024.

_____
Board of Commissioners' Chairman
Attest:

_____
Leeann Walton
Clerk to the Board

(SEAL)

DATE ADOPTED: _____

MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS

PLANNING BOARD DATE: 4/9/2024
PLANNING BOARD RECOMMENDATION: Approved
VOTE: 6 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 4/24/2024 and 5/1/2024
BOARD OF COMMISSIONERS PUBLIC HEARING: 5/6/2024
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Text Amendment
Application

OFFICIAL USE ONLY:
Case Number: PB 24-11
Date Filed: 2/21/2024
Gate Keeper: C. Shupp
Amount Paid: $300.00

Contact Information

APPLICANT:
Name: Monica Thibodeau, President Carolina Designs Realty, Inc
Address: 1197 Duck Road
Duck, NC 27949
Telephone: 252-261-3934 x 6226
E-Mail Address: monica.thibodeau@carolinadesigns.com

Request

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

Amend Chapter(s) 4, 5, 10 Section(s) (4.1.2)(5.1.3)(10.4)(10.5) as follows:

- To establish a new "Property Management Offices an Operations" use. The use will be permitted in the GB, LI, and HI zoning districts with a zoning permit subject to specific standards.
- To establish an appropriate minimum parking standard.
- To provide characteristics and examples of the proposed use
- To provide a definition of the proposed use.

*Request may be attached on separate paper if needed.

Petitioner

Date 2/20/24

Text Amendment Submittal Checklist

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

Text Amendment

Submittal Checklist

Date Received: 2/21/2024

Project Name: Property Management Offices and Operations (New Use)

Applicant/Property Owner: Carolina Designs, Monica Thibodeau

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

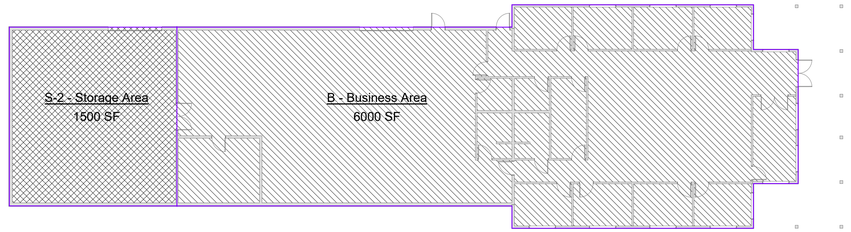
For Staff Only

Pre-application Conference

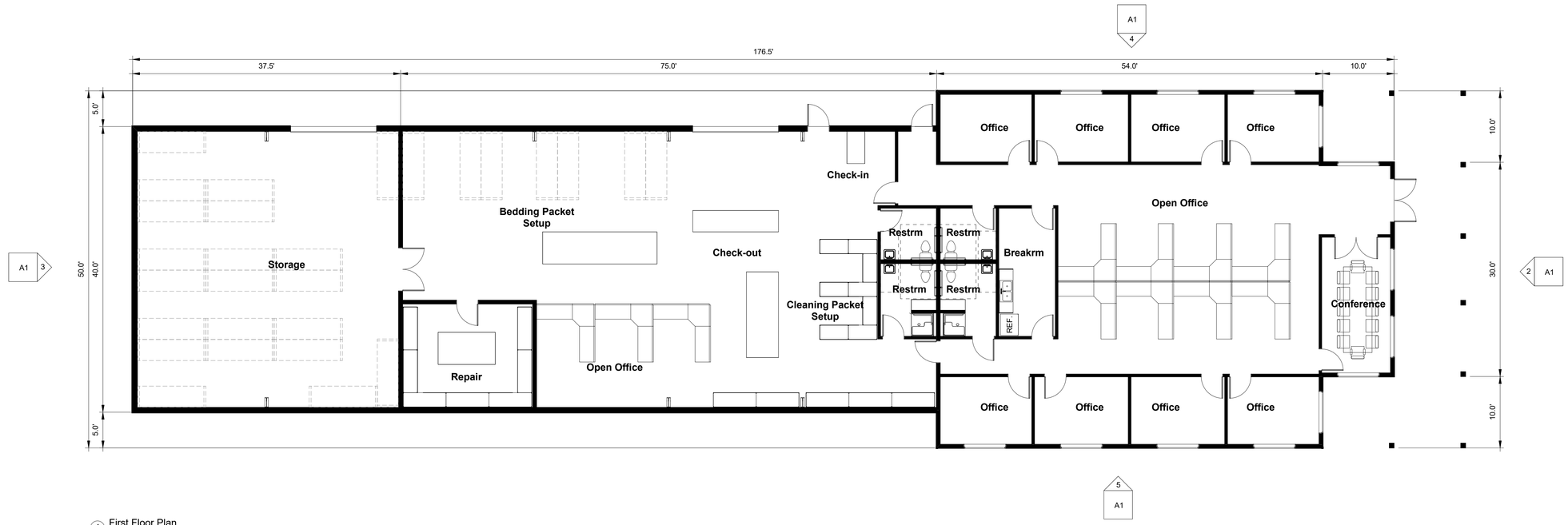
Pre-application Conference was held on 2/21/24 and the following people were present:

Monica Thibodeau, Paul Henriques, Owen Etheridge, Bill Nevins, Ike McRee, Jason Litteral, Jennie Turner

Comments

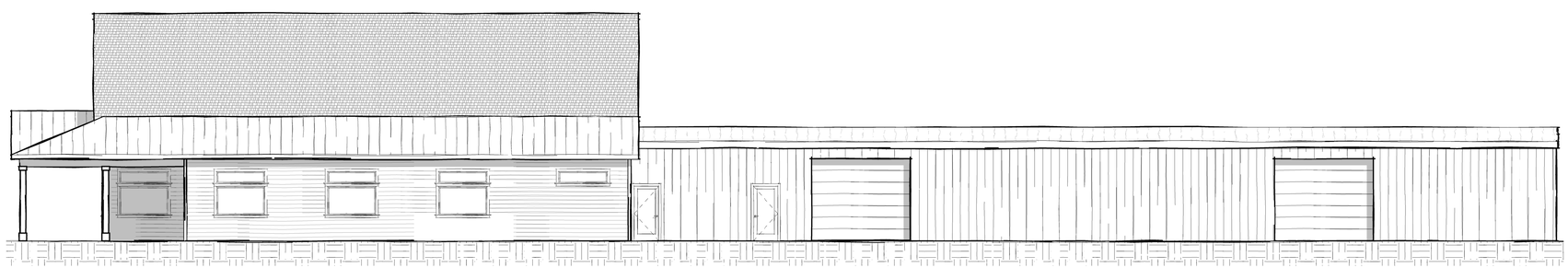


6 Area Plan
1/16" = 1'-0"

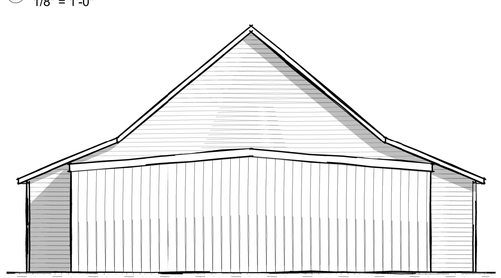


1 First Floor Plan
1/8" = 1'-0"

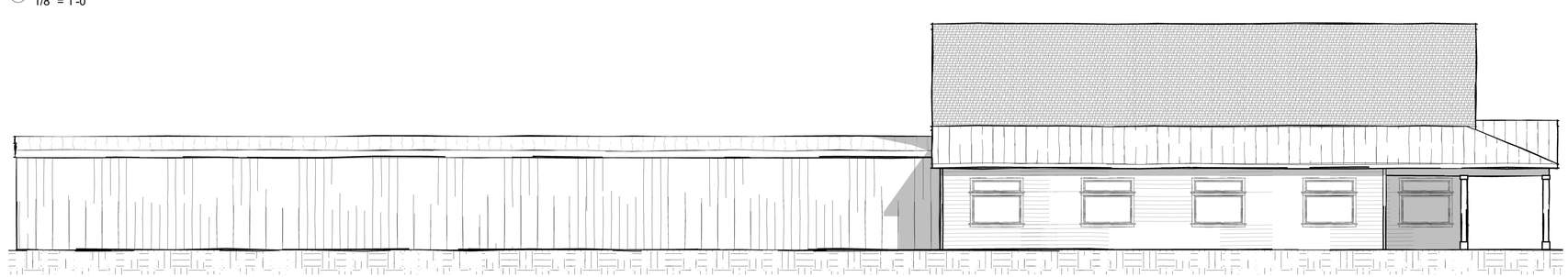
2 East Elevation
1/8" = 1'-0"



4 North Elevation
1/8" = 1'-0"



3 West Elevation
1/8" = 1'-0"



5 South Elevation
1/8" = 1'-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:	Carolina Designs Office/Operations
Project No:	23021
Location:	8760 Caratoke Hwy, Harbinger, NC 27941
Title:	Preliminary
Date:	February 14, 2024
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.

MARK AREY KASTEN REGISTERED ARCHITECT 7229 NORTH CAROLINA NAGS HEAD, NC

CAHOON & KASTEN ARCHITECTS, P.C. REGISTERED ARCHITECTURAL CORPORATE 51244 NORTH CAROLINA NAGS HEAD, NC

PRELIMINARY

Revisions:

No.	Description	Date

Designed:	Designer
Drawn:	Author
Reviewed:	Checker
Cad File:	

A1

Currituck County
Planning and Inspections Department
153 Courthouse Road, Suite 110
Currituck, North Carolina, 27929
252-232-3055

To: Board of Commissioners

From: Planning Staff

Date: April 30, 2024

Subject: PB 24-12 Bender SFR Preservation Subdivision Text Amendment

---

The enclosed text amendment submitted by Fred Jay Bender is intended to allow a new development type called a preservation subdivision in the Single-Family Residential Remote District (SFR). The preservation subdivision is similar to the conservation subdivision that is the primary development option in the Agriculture and Single-Family Residential Mainland District, but it is specifically tailored to the uniqueness of the off-road area. The preservation subdivision prioritizes preservation of wildlife habitat including habitat for the Corolla Wild Banker horses and environmentally significant areas.

The current density in the SFR district is .363 units per acre, this is based on a minimum lot size of 120,000 square feet. This proposed text amendment includes similar density of .33 dwelling units per acre. The proposed text amendment allows smaller lots subject to a similar density to preserve additional open space set aside areas through conservation easements.

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 this request, subject to the suggested Consistency Statement:

The requested text amendment is in conformance with the General Purpose and Intent of the Unified Development Ordinance and is consistent with the goals, objectives, and policies of the *Imagine Currituck 2040 Vision Plan,* including:

Land Use Goal 1
Encourage development to occur at densities appropriate for their location and consider factors, including but not limited to: environmentally suitable areas; suitable soils; adequate infrastructure; the type and capacity of sewage treatment available to the site; the adequacy of transportation facilities providing access to the site; and compatibility and proximity of the site to existing and planned County services.

Land Use Goal 2
Carefully consider the design and location of intensive and potentially incompatible land uses to mitigate compatibility issues such as environmental quality, safety, overburdening local infrastructure, scale, use, design, location, and adverse effects.

OFF-ROAD AREA, GIBBS WOODS, & KNOTTS ISLAND

1. **O-1 PRESERVED LANDS AND O-2 RESERVED LANDS/CONSERVATION**
   1.1 Explore the feasibility of pubic-private partnerships with landowners and conservation agencies to acquire lots in the Off-Road Area for conservation, open space preservation, and stormwater and public safety needs (i.e. ponds for fire-fighting capability).

OFF-ROAD AREA O-2 RESERVED LANDS (1du/3 acres)

OFF-ROAD AREA GENERAL POLICIES
3.1 Maintain the area's unique identity by valuing and protecting natural resources, open space, wildlife habitat, and biodiversity through a variety of conservation methods including, but not limited to: open space preservation; land acquisition partnerships; and monitoring marsh health.
3.6 Prioritize preservation of open space near marshes and special flood hazard areas to allow for inland retreat of coastal marshes.

Planning Board Recommendation
On April 9, 2024, the Planning Board recommended approval of the request as submitted 6-0.

<u>Planning Board Discussion</u>
Anna Cherry presented the staff report and explained the changes requested for the text amendment. Ms. Cherry gave the consistency statement and said staff recommends approval of the request because it is in conformance with the General Purpose and Intent of the Unified Development Ordinance and is consistent with Imagine Currituck 2040 Vision Plan, Land Use Goal 1, 2, and Off-Road Area Policies 1.1, 3.1, and 3.6.Ms. Krause asked if there has been any opposition to this request. Ms. Cherry said there have been discussions with the Corolla Wild Horse Fund which had discussions with the citizens, and all have been in favor of this requested change to the Unified Development Ordinance.

The applicant, Jay Bender, did not wish to speak.

Motion

Mr. Hurley moved to **approve PB 24-12 Bender SFR Preservation Subdivision Text Amendment** because the request is in conformance with the General Purpose and Intent of the Unified Development Ordinance and is consistent with the goals, objectives, and policies of the *Imagine Currituck 2040 Vision Plan,* including Land Use Goal 1, 2, and Off-Road Area Policies 1.1, 3.1 and 3.6.

Mr. Doll seconded the motion, and the motion was approved unanimously 6-0.

PB 24-12 BENDER
SFR PRESERVATION SUBDIVISION
TEXT AMENDMENT
BOARD OF COMMISIONERS
MAY 6, 2024

Amendment to the Unified Development Ordinance, Chapter 3. Zoning Districts, Chapter 6. Subdivision and Infrastructure Standards, Chapter 7. Environmental Protection and Chapter 10. Definitions and Measurement.

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

Item 1: That Chapter 3, Section 3.4.4. Single Family Residential-Outer Banks Remote (SFR) District is amended by deleting the following strike-through language and adding the underlined language:

3.4.4 Single-Family Residential-Outer Banks Remote (SFR) District

SFR

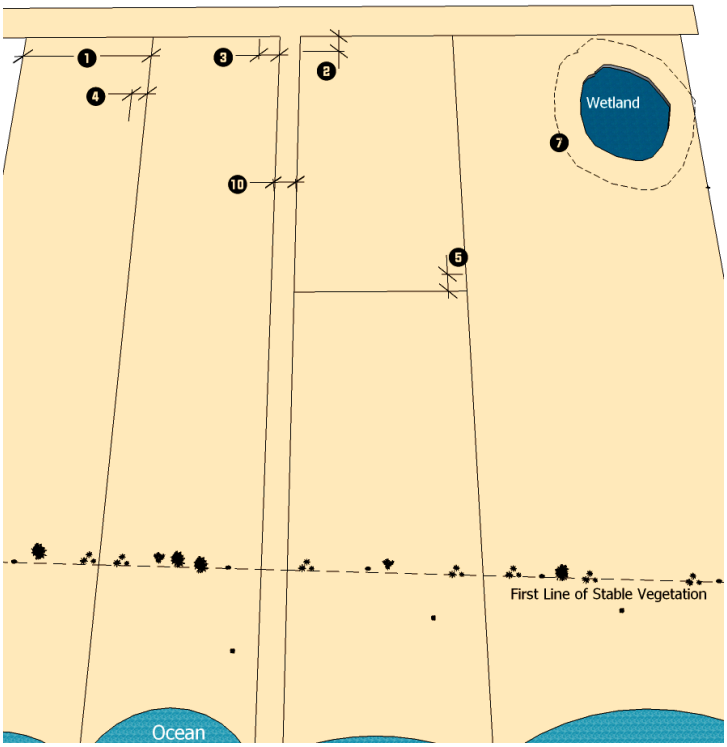
SINGLE-FAMILY RESIDENTIAL OUTER BANKS REMOTE

A. District Purpose

The Single-Family Residential-Outer Banks Remote (SFR) district is established to accommodate very low density residential development on the portion of the outer banks north of Currituck Milepost 13. The district is intended to accommodate limited amounts of development in a manner that preserves sensitive natural resources, protects wildlife habitat, recognizes the inherent limitations on development due to the lack of infrastructure, and seeks to minimize damage from flooding and catastrophic weather events. The district accommodates single-family detached homes on lots platted prior to April 2, 1989, even in cases where the lot does not meet the minimum lot area requirement for the district. All development in the district is subject to stormwater management, dune and maritime forest protection, and special exterior lighting limitations. Public safety and utility uses are allowed, while commercial, office, and industrial uses are prohibited.

B. Lot Patterns

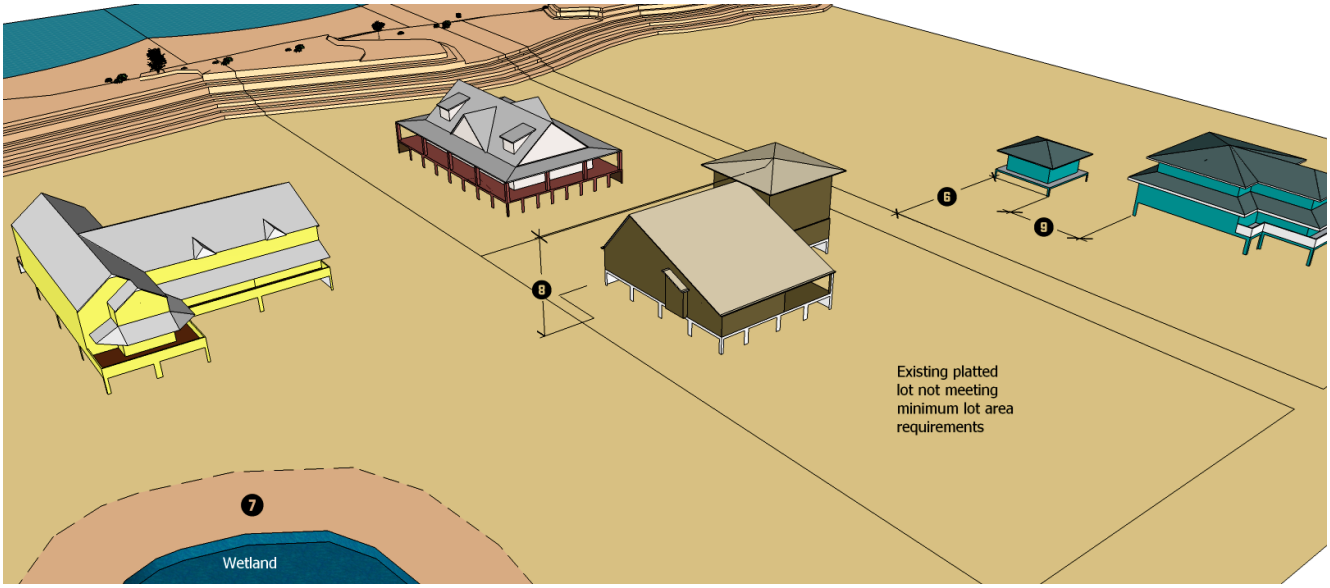
C. Lot Configuration



Vacant nonconforming lots in the SFR district shall comply with Section 8.4.3, Development on Vacant Nonconforming Lots.

D. Typical Building Forms

E. Building Configuration



F. Dimensional Standards

TD= Traditional Development PS = Preservation Subdivision

	TD	PS			TD	PS	
Max. Gross Density (du/ac)	N/A	0.33		Min. Side Setback (ft)	10	10	4
Max. Nonresidential FAR (%)	N/A	N/A		Min. Rear Setback (ft) [4]	25	25	5
Min. Lot Area (sq ft) [1]	120,000	30,000		Min. Agricultural Setback (ft) [5]	N/A	N/A	
Max. Lot Area (sq ft)	N/A	N/A		Min. Accessory Use Setback (ft)	10	10	6
Min. Lot Width, Interior Lot (ft)	125	N/A	1	Min. Driveway/Parking Setback (ft)	N/A	10	
Min Lot Width, Corner Lot (ft)	125	N/A		Min. Fill Setback from all Lot Lines (ft)	N/A	10	
Max. Lot Depth (ft)	[2]	N/A		Min. Wetland/Riparian Buffer (ft) [5]	30	30	7
Max. Lot Coverage (%)	30 [3]	30 [3]		Max. Building Height (ft)	35	35	8
Min. Front Setback (ft)	20	20	2	Min. Spacing Between Principal Buildings (ft)	10	10	9
Min. Corner Side Setback (ft)	20	20	3	Min. Public Vehicular Accessway Width (ft)	20	20	0
Min. Major Arterial Street Setback (ft)	N/A	N/A					

[1] ~~Applies to family subdivision lots~~ Family subdivision lots shall meet a minimum lot area of 120,000 sf
[2] Lot depth shall not exceed seven times the lot width on beachfront lots
[3] 35% for platted lots of 19,000 sf in area or less
[4] Beachfront lots are also subject to CAMA Small Structure Setback Line requirements
[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

Item 2: That Chapter 6, Section 6.5 Recreation and Park Area Dedication is amended by adding the following underlined language:

6.5. RECREATION AND PARK AREA DEDICATION

Except for minor <u>and preservation</u> subdivisions, subdivisions of land for residential or mixed-use development of six or more residential dwelling units shall be required to dedicate a portion of land, or pay a fee-in-lieu thereof, for recreation and park areas, in accordance with the standards of this section.

6.5.1 Recreation and Park Area Dedication

New residential development of six or more units shall dedicate land to the county for use in the development of recreation and park areas to serve the recreational needs of the residents of the subdivision and development within the immediate area. Table 6.5.1, Recreation and Park Area Dedication Requirements, sets out the minimum parkland dedication requirements per new dwelling unit.

TABLE 6.5.1: RECREATION AND PARK AREA DEDICATION REQUIREMENTS

Type of Area to Be Dedicated [1]	Minimum Dedication Amount per Dwelling (acres)
Upland	0.0255
Water feature (e.g., public access, pond, riparian area) [2]	0.0275

NOTES:
[1] No credit towards parkland dedication is given for CAMA wetlands, 404 wetlands, lands forward of the first frontal line of vegetation on sand dunes, or other lands mandated for preservation by Federal or State requirements
[2] No more than 50 percent of the total dedication requirement may be met through dedication of water areas

Example: A 100-lot subdivision within the SFM zoning district occupies 120 acres of land and includes a two-acre pond. The owner is required to dedicate a minimum of 2.55 acres of land to the county for recreation and park area (100 units x 0.0255 acres per unit = 2.55 acres). Since the subdivision includes a pond, the owner may request to dedicate it as recreation and park area, but credit for the pond is limited to a maximum of 50 percent of the total dedication area (2.55 acres to be dedicated x 0.5 = 1.275 acres).

Item 3: That Chapter 6, Section 6.7 Preservation Subdivisions is amended by adding the following underlined language and numbering accordingly:

6.6. PRESERVATION SUBDIVISIONS

6.6.1 Purpose and Intent

The purpose and intent of this section is to minimize the development footprint and drawdown on natural resources and provide landowners in the SFR zoning district a development type that preserves and restores wildlife habitat including the Corolla Wild Banker horse habitat, protects and preserves natural features, and offers flexibility to build on smaller lots when additional preservation area open space set-asides are provided. This is done in order to:

A. **Preserve Wildlife Habitat and Open Land**

Preserve wildlife habitat and open land, including those areas containing unique and sensitive natural features such as floodplains, wetlands, areas with mature hardwood trees or maritime forests, and watersheds;

B. **Retain and Protect Natural Resources**

Retain and protect existing environmental, natural, and cultural resources;

C. **Link Wildlife and Corolla Wild** Banker **Horse Habitat**

Create preserved areas for wildlife and Corolla Wild Banker horse habitat that is connected throughout the SFR district;

D. **Promote Rural Character, Protect Wildlife, Rewild High Potential Areas**

Maintain the unique identity and value of the SFR district by valuing and protecting natural resources, wildlife habitat—including for the Corolla Wild Banker horses, and biodiversity; and

E. **Provide Reasonable Use of Property**

Provide reasonable economic use of the property.

6.6.2 Applicability

Preservation subdivisions are an option for development in the Single-Family Residential Outer Banks Remote (SFR) zoning district.

6.6.3 Procedure

A preservation subdivision shall be approved as a major subdivision in accordance with the procedures and standards in Section 2.4.8.E, Major Subdivision, after approval of a preservation and development plan in accordance with this section.

A. **Preservation and Development Plan**

Prior to review of an application for preliminary plat approval for a preservation subdivision, an applicant shall have a preservation and development plan for the land reviewed and approved or approved with conditions by the Director in accordance with this section and the standards of Section 6.7.4, Preservation Subdivision Standards, and Section 6.7.5, Delineation of Preservation Areas, and Development Areas.

B. **Preservation and Development Plan Requirements**

(1) **Step 1—Site Analysis Map**

The applicant shall prepare a site analysis map that provides information about existing site conditions and context, and that comprehensively analyzes existing conditions both on the land proposed for the development site and on land within 500 feet of the site, and submit the site analysis map to the Director. It is the intent of this section that the information required to be presented in the site analysis map be produced primarily from existing sources, maps, and data.

(2) **Step 2—Site Inspection**

After receipt of the site analysis map, the Director shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a county staff member. The purpose of this site visit is to:

(a) Familiarize the county staff with the existing site conditions and natural and historic features of the site;

(b) Identify potential site development issues; and

(c) Provide an opportunity to discuss site development concepts, including the general layout of preservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the Director or other county staff during the site inspection shall be interpreted as being only suggestive. No official decision on the preservation and development plan shall be made during the site inspection.

(3) **Step 3—Preservation and Development Areas Map**

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a preservation and development areas map that depicts proposed primary preservation areas, secondary preservation areas, and development areas, in accordance with Section 6.7.5, Delineation of Preservation Areas and Development Areas.

(4) **Step 4—Preservation and Development Areas Map**

Based on the site analysis map, the information obtained during the site inspection, and the preservation and development areas map, the applicant shall prepare and submit to the Director a preservation and development plan. The preservation and development plan shall include the following:

(a) A site analysis map;

(b) A preservation and development areas map and theme; and

(c) A preliminary site improvements plan, showing proposed site development, including utilities, streets, other development features, buffers (if applicable), and lot lines located in the proposed development area(s).

C. **Review of Preservation and Development Plan**

The Director shall review and make a decision on the preservation and development plan in accordance with the procedures and requirements of Section 2.3.5 Staff Review and Action, the standards of Section 6.7.4, Preservation Subdivision Standards, and Section 6.7.5, Delineation of Preservation Areas and Development Areas.

D. **Review and Approval of Preservation Subdivision**

Following review and approval or approval with conditions of the preservation and development plan by the Director, the application for a preliminary plat of the preservation subdivision shall be submitted and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.8.E, Preliminary Plat.

6.6.4 Preservation Subdivision Standards

A preservation subdivision shall comply with the following standards:

A. **Location**

Preservation subdivisions shall be limited to the Single-Family Residential Outer Banks Remote (SFR) district.

B. **Minimum Project Size**

Preservation subdivisions shall be at least twenty-five acres in area;

C. **Required Preservation Area**

(1) **Single-Family Residential-Outer Banks Remote District**

The preservation area shall occupy a minimum of 50 percent of the total acreage of the preservation subdivision site.

D. **Maximum Residential Density**

(1) **Single-Family Residential Outer Banks Remote District**

(a) Fifty percent open space set-aside preservation area: 0.33 dwelling units per acre.

E. **Lots**

Lots in a preservation subdivision shall:

(1) Meet the minimum dimensional standards in Chapter 3: Zoning Districts; and,

(2) Access internal streets. Lots along existing external streets shall be avoided.

F. **Low Impact Development**

Preservation subdivisions shall incorporate low impact development features that benefit the Corolla Wild Banker horses and other wildlife habitat to the extent practical.

G. **Depiction on Final Plat**

To assist in the issuance of building permits, lot configurations shall be indicated on the final plat, including, but not limited to lot width.

6.6.5 Delineation of Preservation Areas and Development Areas

Preservation subdivisions shall identify a preservation theme. The theme should be based on elements or features of the property that are unique, irreplaceable, environmentally valuable, historic, or scenic. The theme will include the importance of connected wildlife habitat and natural resource preservation providing permanent sanctuary for the Corolla Wild Banker horses and biodiversity. The preservation areas and development areas on the preservation and development areas map and within the preservation subdivision shall comply with the following standards:

A. **Primary Preservation Areas**

(1) **Features to be Preserved**

The following features shall be located and delineated on the preservation and development areas map, and shall be preserved in the following priority order as primary preservation areas:

(a) CAMA wetlands;

(b) U.S. Army Corps of Engineers designated 404 wetlands;

(c) Riparian buffers and other lands within 30 feet of estuarine or other surface waters;

(d) Areas of maritime forest;

(e) Areas within the root zone of all significant trees; and

(f) Habitat utilized by endangered or threatened species or designated Natural Heritage Areas.

(g) Part of the Northern Currituck Wildlife Habitat Preservation Corridor.

(2) **Amount to be Preserved**

All areas occupied by features comprising a primary preservation area shall be set aside and reserved for preservation purposes in accordance with the following standards:

(a) **Primary Preservation Area is Less than Minimum Required**

In cases where the geographic area occupied by all features comprising the primary preservation area is less than the minimum required preservation area, then all lands comprising the primary preservation area shall be set aside and put under conservation easement.

(b) **Primary Preservation Area Exceeds the Minimum Required**

(i) In the event the geographic area of all features identified and prioritized as the primary preservation area results in a primary preservation area exceeding the preservation area requirement (for example, preservation of the first type of prioritized features constitute 47 percent of a site, and the next prioritized

feature consists of five percent and the minimum required preservation area is 50 percent of the site area, the applicant may identify which portions of the features exceeding the 50 percent preservation area requirement will be designated for conversion to development area). To the maximum extent practicable, priority for retention shall be given to the highest quality portion of the features to be preserved. The application will attempt to set aside a contiguous area connecting to the Northern Currituck Wildlife Habitat Preservation Corridor.

(ii) Development on lands made available for conversion to development area shall be in accordance with the standards in this Ordinance.

(3) **Allowable Uses**

Uses located within a primary preservation area shall be limited to wildlife habitat and the safe passage of Corolla Wild Banker horses. No other uses are allowed.

(4) **Conservation Easement**

Primary preservation areas shall be restricted from further subdivision and use through a permanent conservation easement, in a form acceptable to the county and the Wild Horse Advisory Board, and duly recorded in the County Register of Deeds at the time of final plat recordation.

B. **Secondary Preservation Areas**

(1) **Features to be Preserved**

In addition to primary preservation areas, the preservation and development areas map shall also identify secondary preservation areas, which shall be preserved in the following priority order:

(a) Historic, archeological, and cultural resources;

(b) Existing and mature woodland forests, natural fields, and meadows (especially those greater than five acres);

(c) Scenic corridors and views;

(d) Areas that could serve to extend the Northern Currituck Wildlife Habitat Preservation Corridor; and

(e) Special flood hazard areas designated on the Flood Insurance Rate Maps (FIRM).

(2) **Amount to be Preserved**

All areas occupied by features comprising a secondary preservation area shall be set aside and reserved as a part of the preservation area in accordance with the following standards:

(a) **Primary Preservation Area Occupies More than that Required**

In the event that the geographic area set aside as the primary preservation area is more than the required preservation area, no additional lands occupied by secondary preservation features shall be required to be included in the preservation area.

(b) **Primary Preservation Area Occupies Less than that Required**

In the event the geographic area set aside as the primary preservation area is less than the required preservation area, then lands containing secondary preservation features shall also be set aside as part of the preservation area in priority order based upon the following:

(i) **Connect Primary Resource Areas**

To the maximum extent practicable, the geographic area containing secondary preservation features shall be set aside so as to connect and surround the primary resource areas and the Northern Currituck Wildlife Habitat Preservation Corridor.

(ii) **Primary and Secondary Preservation Areas Do Not Equal 50 Percent of Site Area**

In the event the combined area occupied by the primary preservation area and geographic area occupied by all secondary resource preservation features does not equal the minimum preservation requirements, then additional lands necessary to meet the requirements for the preservation area shall be designated for set-aside. Such lands may be selected by the applicant based on connectivity or proximity to the preservation area and the Currituck Wildlife Habitat Preservation Corridor and included in the preservation area. This land may be rewilded to develop or maintain Corolla Wild Banker horse habitat.

(iii) **Primary and Secondary Preservation Areas Exceed Required Area**

In the event the area occupied by the primary preservation area and the geographic area of all features identified and prioritized as the secondary preservation area results in a combined preservation area exceeding the preservation area requirements, the applicant may identify which portions of the secondary preservation feature(s) will be designated for conversion to development area. To the maximum extent practicable, priority for retention shall be given to the highest quality portion of the feature(s) to be conserved, and the connectivity and suitability for wildlife habitat preservation. If connectivity of the secondary area is not

possible, the developer will design the area to ensure the safe passage of wildlife and the Corolla Wild Banker horses. In no instance shall any portion of the primary preservation area be designated for conversion to development area.

(3) **Allowable Uses**

Uses located within a secondary preservation area shall be limited to:

(a) All uses allowed in a primary preservation area;

(b) Stormwater management systems;

(c) Required drainage or other minor utility easements for the placement of underground utilities including ground based telecommunications and power lines;

(d) Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value; and

(e) Active or Passive Recreational Uses as defined in Section 7.1.3.

C. **Ownership**

Primary and secondary preservation areas shall be considered as an open space set-aside and shall comply with the ownership requirements of Section 7.1.3.E..

D. **Development Areas**

After identifying the primary and secondary preservation areas, the development area shall be identified. It is the area within which development may occur, and shall include the area within the site where:

(1) Any clearing or grading activities will take place;

(2) Ingress and egress will be located;

(3) Individual wells and septic systems may be located;

(4) Streets, minor utilities, and other similar structures will be located; and

(5) All allowable uses may be located.

Item 4: That Chapter 6, Section 6.2.1.J is amended by adding the following underlined language:

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.

(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 <u>except in a preservation subdivision. In a preservation subdivision, the right-of-way shall be 60 feet</u>; 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 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:

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

(10) 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.

(11) 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.

(12) 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.

Item 5: That Chapter 7, Section 7.1 Open Space Set-Asides is amended by adding the following underlined language and renumbering accordingly:

7.1. OPEN SPACE SET-ASIDES

7.1.1. Purpose and Intent

The purpose of this section is to:

A. Establish the standards under which residential and mixed-use development shall set aside a portion of the development area as open space;

B. Distinguish between the characteristics, requirements, and appropriate locations for open space set-asides; and

C. Establish minimum ownership and maintenance standards for homeowner and property owner associations related to open space set-asides.

7.1.2. Applicability

A. **General**

Unless exempted by Section 7.1.2.E, Exemptions, the provisions of this section shall apply to all residential and residential portions of mixed-use development in the county.

B. **Time of Review**

Review for compliance with these standards shall occur during review of a site plan (see Section 2.4.7), subdivision (see Section 2.4.8), or planned development master plan (see Section 2.4.5), as appropriate.

C. **Existing Development**

Unless redeveloped, the standards in this section shall not apply to development existing prior to January 1, 2013. Redevelopment conducted after January 1, 2013 shall comply with the standards in this section, to the maximum extent practicable, and shall provide its pro rata share of open space set-aside.

D. **Conservation Subdivisions**

Open space set-asides associated with a conservation subdivision shall be subject to the standards in Section 6.4, Conservation Subdivision.

E. **Preservation Subdivisions**

Open space set-asides associated with a preservation subdivision shall be subject to the standards in Section 6.7, Preservation Subdivision.

F. **Exemptions**

The following forms of development shall be exempted from the standards in this section:

(1) Development of a single-family detached or two- to four-family dwelling on a platted lot in existence on January 1, 2013; and

(2) Subdivisions with fewer than 6 lots (except preservation subdivisions).

Item 6: That Chapter 10, Section 10.5 Definitions is amended by adding the following underlined language:

COROLLA WILD BANKER HORSES

The wild horses of North Carolina's Currituck Outer Banks descended from Colonial Spanish Mustangs which have been designated as the North Carolina State Horse. Also referred to as wild Banker horses, Corolla wild horses or Currituck Banks wild horses.

NORTHERN CURRITUCK WILDLIFE HABITAT PRESERVATION CORRIDOR

A north-to-south corridor of property located in the SFR district, targeted for natural features and wildlife habitat including Corolla Wild Banker horse habitat. A map of the corridor is adopted by the county's Wild Horse Advisory Board.

PRESERVATION AREA

An open space set-aside approved as part of a preservation subdivision for the purpose of preserving riparian buffers, wetlands, plant and wildlife habitats of local significance, maritime forests, natural heritage areas, and wildlife corridors. Preservation areas are subject to the standards of Section 6.7 Preservation Subdivision.

PRESERVATION SUBDIVISION

The division of a tract of land into two or more lots, building sites, or other divisions that set asides open space for preservation and restoration of wildlife and the Corolla Wild Banker horse habitat, protection and preservation of natural features, and are created in accordance with Section 6.7 Preservation Subdivision.

REWILD

A comprehensive conservation effort focused on preserving and or restoring ecosystem health by reestablishing areas intended to act as a wildlife corridor and to remain in a predominately natural state.

WILD HORSE ADVISORY BOARD

An advisory board established by the Currituck County Board of Commissioners charged with the duty of providing guidelines and general managing objectives for the Corolla Wild Banker horses.

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: Statement of Consistency

[STATEMENT OF CONSISTENCY TO BE ADDED FOLLOWING BOARD ACTION]

Item 9: This ordinance amendment shall be in effect from and after the _____ day of _____ _____, 2024.

_____
Board of Commissioners' Chairman

Attest:

_____
Leeann Walton
Clerk to the Board

(SEAL)

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS

PLANNING BOARD DATE: _4/9/2024_____
PLANNING BOARD RECOMMENDATION: _____Approved_____
VOTE: _6__AYES ___0__NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: _4/24/2024 and 5/1/2024____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____5/6/2024_____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Text Amendment
Application

OFFICIAL USE ONLY
Case Number: PB 24-12
Date Filed: 2/22/2024
Gate Keeper: C. Bunyo
Amount Paid: $300.00

Contact Information

APPLICANT:

Name: Jay Bender

Address: PO Box 15 Corolla NC 27927

Telephone: 252-202-4328

E-Mail Address: jaybender@mac.com

Request

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

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

SFR habitat preservation text amendment; I believe this is to section 6.7.

*Request may be attached on separate paper if needed.

Petitioner

2/19/24
Date

Text Amendment Submittal Checklist

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

Text Amendment

Submittal Checklist

Date Received: 2/22/2024

Project Name: Bender

Applicant/Property Owner: Jay Bender

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

For Staff Only

Pre-application Conference

Pre-application Conference was held on 2/16/2024 and the following people were present: Jay Bender, Elizabeth White, Jennie Turner, Anna Cherry, Donna Voliva

Comments

Currituck County
Planning and Inspections Department
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

February 15, 2024

Re: Pre-Application meeting for SFR Habitat Preservation Text Amendment

The following were in attendance during a Team's meeting held on February 16, 2024 at 9am.

- Bill Newns, Planning and Inspections Director
- Jennie Turner, Assistant Planning Director
- Anna Cherry, Planner II
- Jay Bender, Applicant
- Elizabeth White

Notes:

- Creating a new type of subdivision for the SFR zoning district for lots of 25 acres or more.
- Adding a Section 6.7 Habitat Preservation Subdivision section and formatting similar to the existing Conservation subdivision
- Rewild high potential areas?
- Define Corridors and adopt a Corolla Wild Horse Conservation area map
- How is the area defined as a targeted area for preservation?
- Secondary Preservation – amenity development only (active and passive recreation and common structures)
- Water access in Primary preservation?
    - No development and conservation easement limitations

Currituck County
Planning and Inspections Department
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
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February 15, 2024

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- Jay Bender, Applicant
- Elizabeth White

Notes:

- Creating a new type of subdivision for the SFR zoning district for lots of 25 acres or more.
- Adding a Section 6.7 Habitat Preservation Subdivision section and formatting similar to the existing Conservation subdivision, but with a few important distinctions due to the different nature of the off road from agriculture and the SFM
- Rewild high potential areas? (can drop from the language as it may be confusing)
- Define Corridors and adopt a Corolla Wild Horse Conservation area map
  It isn't a CWH area map. It will be a Habitat Preservation Corridor where the habitat for the Corolla Wild Horses is an essential element—but not the only focus.

- How is the area defined as a targeted area for preservation? We addressed in the discussion. Let us know if you need more information.
- Secondary Preservation – amenity development only (active and passive recreation and common structures)
- Water access in Primary preservation?
    - No development infrastructure in the preservation corridor and area of primary preservation and conservation easement limitations on all uses except people walking in the area or the uses allowed in the secondary related as listed in the documentation.

PB 23-30 BENDER
SFR HABITAT PRESERVATION SUBDIVISION
TEXT AMENDMENT
PLANNING BOARD
JANUARY 9, 2024

Amendment to the Unified Development Ordinance, Chapter 3. Zoning Districts and Chapter 6. Subdivisions and Infrastructure Standards.

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

Item 1: That Chapter 3, Section 3.4.4 is amended to include a Habitat Preservation Subdivision in the SFR District:

3.4.4 Single-Family Residential-Outer Banks Remote (SFR) District

SFR

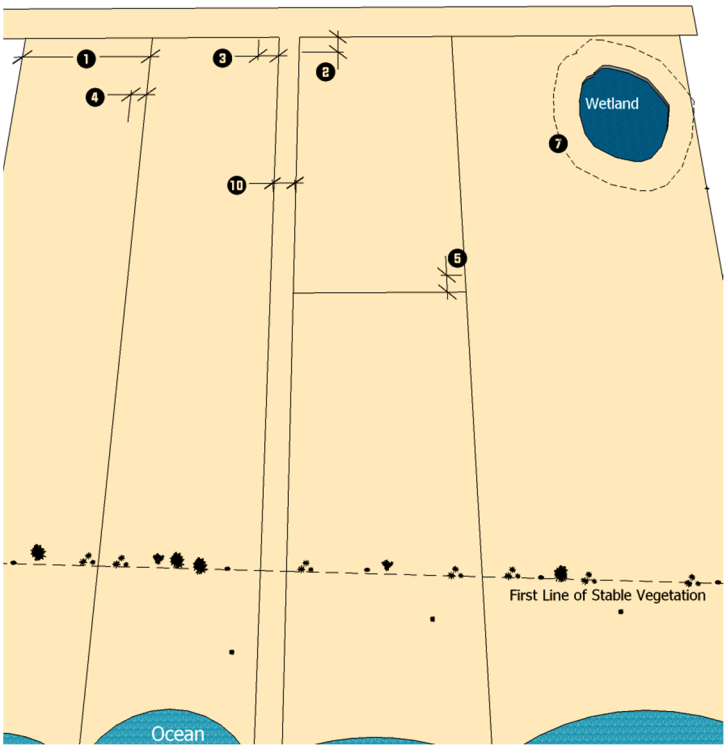
SINGLE-FAMILY RESIDENTIAL OUTER BANKS REMOTE

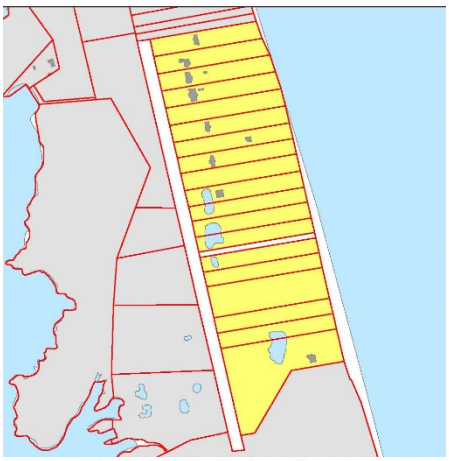
A. DISTRICT PURPOSE

The Single-Family Residential-Outer Banks Remote (SFR) district is established to accommodate very low density residential development on the portion of the outer banks north of Currituck Milepost 13. The district is intended to accommodate limited amounts of development in a manner that preserves sensitive natural resources, protects wildlife habitat, recognizes the inherent limitations on development due to the lack of infrastructure, and seeks to minimize damage from flooding and catastrophic weather events. The district accommodates single-family detached homes on lots platted prior to April 2, 1989, even in cases where the lot does not meet the minimum lot area requirement for the district. All development in the district is subject to stormwater management, dune and maritime forest protection, and special exterior lighting limitations. Public safety and utility uses are allowed, while commercial, office, and industrial uses are prohibited.

B. LOT PATTERNS

C. LOT CONFIGURATION

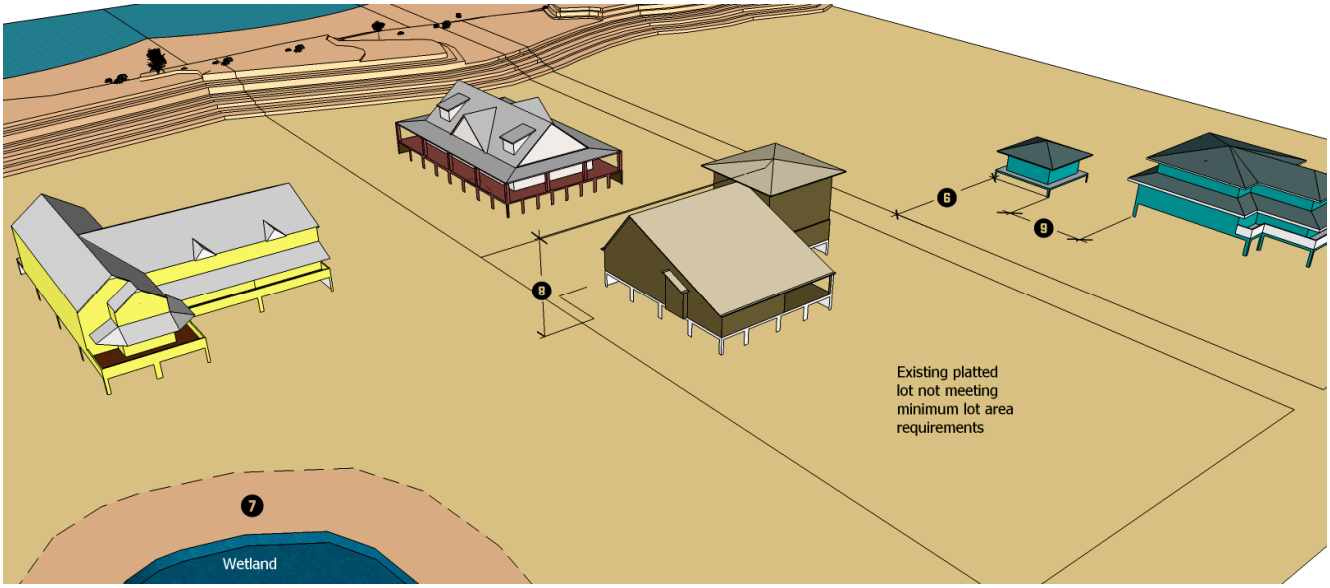




Vacant nonconforming lots in the SFR district shall comply with Section 8.4.3, Development on Vacant Nonconforming Lots.

D. Typical Building Forms

E. Building Configuration



F. DIMENSIONAL STANDARDS

TD= Traditional Development PS = Preservation Subdivision

	TD	PS			TD	PS	
Max. Gross Density (du/ac)	N/A	0.33		Min. Side Setback (ft)	10	10	4
Max. Nonresidential FAR (%)	N/A	N/A		Min. Rear Setback (ft) [4]	25	25	5
Min. Lot Area (sq ft) [1]	120,000	30,000		Min. Agricultural Setback (ft) [5]	N/A	N/A	
Max. Lot Area (sq ft)	N/A	N/A		Min. Accessory Use Setback (ft)	10	10	6
Min. Lot Width, Interior Lot (ft)	125	N/A	1	Min. Driveway/Parking Setback (ft)	N/A	10	
Min Lot Width, Corner Lot (ft)	125	N/A		Min. Fill Setback from all Lot Lines (ft)	N/A	10	
Max. Lot Depth (ft)	[2]	N/A		Min. Wetland/Riparian Buffer (ft) [5]	30	30	7
Max. Lot Coverage (%)	30 [3]	30 [3]		Max. Building Height (ft)	35	35	8
Min. Front Setback (ft)	20	20	2	Min. Spacing Between Principal Buildings (ft)	10	10	9
Min. Corner Side Setback (ft)	20	20	3	Min. Public Vehicular Accessway Width (ft)	20	20	0
Min. Major Arterial Street Setback (ft)	N/A	N/A					

[1] ~~Applies to family subdivision lots~~ Family subdivision lots shall meet a minimum lot area of 120,000 sf
[2] Lot depth shall not exceed seven times the lot width on beachfront lots
[3] 35% for platted lots of 19,000 sf in area or less
[4] Beachfront lots are also subject to CAMA Small Structure Setback Line requirements
[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

Note: The BOC submitted a text amendment on December 14, 2023 to increase side setbacks to 15' in Corolla (including paved road and off-road area).

Item 2: That Chapter 6 is amended to include a habitat preservation subdivision (preservation subdivision) and renumbering accordingly:

6.5 PRESERVATION SUBDIVISION

6.5.1 Purpose and Intent

The purpose and intent of this section is to provide landowners a development type that preserves and restores wildlife and the Corolla Wild (Banker) Horses habitat, protects and preserves natural features, and offers a smaller lot size for a dwelling unit than in traditional development, while maintaining the same gross density as traditional development dimension standards in SFR and minimizing the development footprint and drawdown on natural resources.
This is done in order to:

A. **Preserve Wildlife Habitat and Open Land**

Preserve wildlife habitat and open land, including those areas containing unique and sensitive natural features such as floodplains, wetlands area with mature hardwood trees or maritime forests, watersheds.

A. Retain and Protect Natural Resources

Retain and protect existing environmental, natural, and cultural resources;

B. Link Wildlife and Corolla Wild Horse/Banker Horse Habitat

Create preserved areas for wildlife and wild horse habitat that is connected throughout the SFR district;

C. Promote Rural Character, Protect Wildlife, Rewild High Potential Areas

Maintain the unique identity and value of the SFR district by valuing and protecting natural resources, wildlife habitat--including for the Banker horses, and biodiversity; and

D. Provide Reasonable Use of Property

Provide reasonable economic use of the property.

6.5.2 Applicability

Preservation subdivisions are an option for development in the Single-Family Residential Outer Banks Remote (SFR) zoning district.

6.5.3 Procedure

A preservation subdivision shall be approved as a major subdivision in accordance with the procedures and standards in Section 2.4.8.E, Major Subdivision, after approval of a preservation and development plan in accordance with this section.

A. **Preservation and Development Plan**

Prior to review of an application for preliminary plat approval for a preservation subdivision, an applicant shall have a preservation and development plan for the land reviewed and approved or approved with conditions by the Director in accordance with this section and the standards of Section 6.5.4 preservation Subdivision Standards and Section 6.5.5, Delineation of preservation Areas, and Development Areas.

B. Preservation and Development Plan Requirements

(1) Step 1—Site Analysis Map

The applicant shall prepare a site analysis map that provides information about existing site conditions and context, and that comprehensively analyzes existing conditions both on the land proposed for the development site and on land within 500 feet of the site, and submit the site analysis map to the Director. It is the intent of this section that the information required to be presented in the site analysis map be produced primarily from existing sources, maps, and data.

(2) Step 2—Site Inspection

After receipt of the site analysis map, the Director shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a county staff member. The purpose of this site visit is to:

(a) Familiarize the county staff with the existing site conditions and natural and historic features of the site;

(b) Identify potential site development issues; and

(c) Provide an opportunity to discuss site development concepts, including the general layout of preservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the Director or other county staff during the site inspection shall be interpreted as being only suggestive. No official decision on the preservation and development plan shall be made during the site inspection.

(3) Step 3-Preservation and Development Areas Map

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a preservation and development areas map that depicts proposed primary preservation areas, secondary preservation areas, and development areas, in accordance with Section 6.5.5, Delineation of preservation Areas and Development Areas.

(4) Step 4—Preservationand Development Plan

Based on the site analysis map, the information obtained during the site inspection, and the preservation and development areas map, the applicant shall prepare and submit to the Director a preservation and development plan. The preservation and development plan shall include the following:

(a) A site analysis map**;**

(b) A preservation and development areas map and theme; and

(c) A preliminary site improvements plan, showing proposed site development, including utilities, streets, other development features, buffers (if applicable), and lot lines located in the proposed development area(s).

C. Review of Preservation and Development Plan

The Director shall review and make a decision on the preservation and development plan in accordance with the procedures and requirements of Section 2.3.5 Staff Review and Action, the standards of Section 6.5.4, preservation Subdivision Standards, and Section 6.5.5, Delineation of Preservation Areas and Development Areas.

D. Review and Approval of preservation Subdivision

Following review and approval or approval with conditions of the preservation and development plan by the Director, the application for a preliminary plat of the preservation subdivision shall be submitted and approved, approved with conditions, or denied by the Board of Commissioners in accordance with Section 2.4.8.E, Preliminary Plat.

6.4.4 Preservation Subdivision Standards

A preservation subdivision shall comply with the following standards:

A. Location

The preservation subdivisions shall be limited to the Single-Family Residential Outer Banks Remote (SFR) district.

B. Minimum Project Size

Preservation subdivisions shall be at least twenty-five acres in area

C. Required Preservation Area

(1) Single-Family Residential-Outer Banks Remote District

The preservation area shall occupy a minimum of 50 percent of the total acreage of the preservation subdivision site.

D. Maximum Residential Density

(3) Single-Family Residential Outer Banks Remote District

(a) Fifty percent preservation area: 0.33 dwelling units per acre.

E. Lots

Lots in a preservation subdivision shall:

(1) Meet the minimum dimensional standards in Chapter 3: Zoning Districts; and,

(2) Access internal streets. Lots along existing external streets shall be avoided.

F. Low Impact Development

Preservation subdivisions shall incorporate low impact development features, to the maximum extent practicable, and include design features that benefit the Corolla Wild Horses (Banker Horses) and other wildlife habitat to the extent practical.

G. Depiction on Final Plat

To assist in the issuance of building permits, lot configurations shall be indicated on the final plat, including, but not limited to lot width.

H. Maintain Compatibility

Preservation subdivisions shall be compatible with the low density, SFR purpose, dimensional standards, and other standards in Chapter 5 that are relevant to the SFR (single family dwelling detached).

6.4.5 Delineation of Preservation Areas and Development Areas

Preservation subdivisions shall identify a preservation theme to be preserved. The theme shall be based on elements or features of the property that are unique, irreplaceable, environmentally valuable, or scenic. The theme will include the importance of connected wildlife habitat and nature resource preservation providing permanent sanctuary for the Corolla Wild Horses (Banker Horses) and biodiveristy. The preservation areas and development areas on the preservation and development areas map and within the subdivision shall comply with the following standards:

A. Primary Preservation Areas

(1) Features to be Preserved

The following features shall be located and delineated on the preservation and development areas map, and shall be preserved in the following priority order as primary conservation areas:

(a) CAMA wetlands;

(b) U.S. Army Corps of Engineers designated 404 wetlands;

(c) Riparian buffers and other lands within 30 feet of estuarine or other surface waters;

(d) Areas of maritime forest;

(e) Areas within the root zone of all significant trees;

(f) Habitat utilized by endangered or threatened species or designated Natural Heritage Areas; and

(g) Part of the Northern Currituck Wildlife Habitat Preservation Corridor

(2) Amount to be Preserved

All areas occupied by features comprising a primary preservation area shall be set aside and reserved for permanent preservation purposes in accordance with the following standards:

(a) **Primary Preservation Area is Less than Minimum Required**

In cases where the geographic area occupied by all features comprising the primary preservation area is less than the minimum required preservation area, then all lands comprising the primary preservation area shall be set aside and put under conservation easement.

(b) **Primary Preservation Area Exceeds the Minimum Required**

(i) In the event the geographic area of all features identified and prioritized as the primary preservation area results in a primary preservation area exceeding the preservation area requirement (for example, preservation of the first type of prioritized features constitute 47 percent of a site, and the next prioritized feature consists of five percent and the minimum required preservation area is 50 percent of the site area, the applicant may identify which portions of the features exceeding the 50 percent preservation area requirement will be designated for preservation to development area) (see Figure 6.5.5, Preservation and Development Areas). To the maximum extent practicable, priority for retention shall be given to the highest quality portion of the features to be preserved. The application will attempt to be set aside a contiguous area, connecting to the Northern Currituck Wildlife Habitat Preservation Corridor

(ii) Development on lands made available for preservation to development area shall be in accordance with the standards in this Ordinance.

(3) Allowable Uses

Uses located within a primary preservation area, shall be limited to wildlife habitat and the safe passage of Corolla Wild Horses (Banker Horses). No other uses are allowed.

(4) **Conservation Easement**

Primary preservation areas shall be restricted from further subdivision and use through a permanent conservation easement, in a form acceptable to the county and the Currituck County Corolla Wild Horse Advisory Board, and duly recorded in the County Register of Deeds before works begin.

B. Secondary Preservation Areas

(1) Features to be Preserved

In addition to primary preservation areas, the preservation and development areas map shall also identify secondary preservation areas, which shall be preserved in the following priority order:

(a) Existing and mature woodland forests, natural fields, and meadows (especially those greater than five acres);

(b) Scenic corridors and views;

(c) Areas the could serve to extend the Northern Currituck Wildlife Preservation Corridor; and

(d) Special flood hazard areas designated on the Flood Insurance Rate Maps (FIRM).

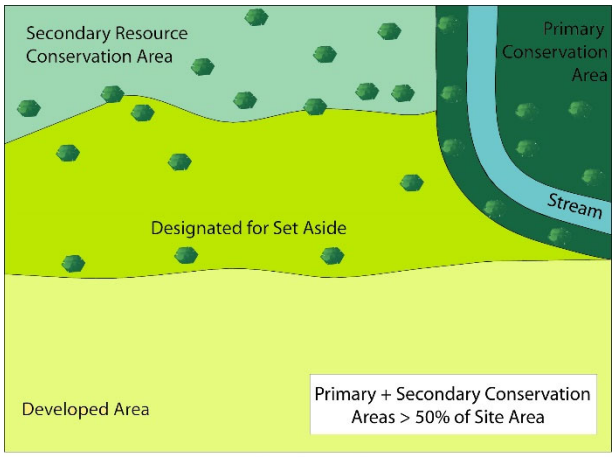
(2) Amount to be Preserved

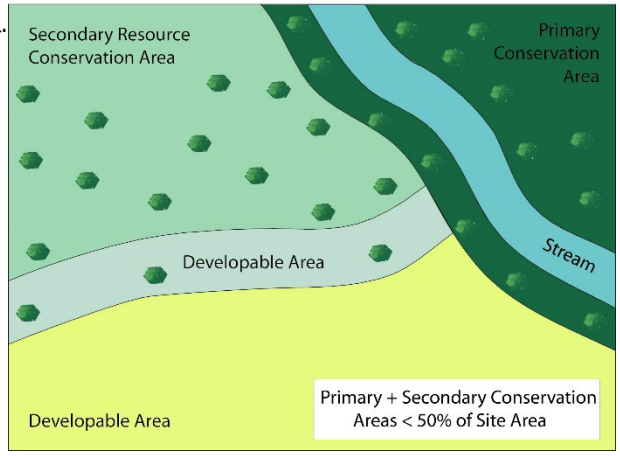
All areas occupied by features comprising a secondary preservation area shall be set aside and reserved as a part of the preservation area in accordance with the following standards (see Figure 6.5.5, Preservation and Development Areas):

(a) **Primary Preservation Area Occupies More than that Required**

In the event that the geographic area set aside as the primary preservation area is more of the required preservation area, no additional lands occupied by secondary preservation features shall be required to be included in the preservation area.

Figure 6.5.5 **Preservation** and Development Areas





(b) Primary Preservation Area Occupies Less than that Required

In the event the geographic area set aside as the primary preservation area is less than the required preservation area, then lands containing secondary preservation features shall also be set aside as part of the preservation area in priority order based upon the following:

(i) Connect Primary Resource Areas

To the maximum extent practicable, the geographic area containing secondary preservation features shall be set aside so as to connect and surround the primary resource areas and the Northern Currituck Wildlife Habitat Preseravtion Corridor.

(ii) Primary and Secondary Preservation Areas Do Not Equal 50 Percent of Site Area

In the event the combined area occupied by the primary preservation area and geographic area occupied by all secondary resource preservation features does not equal the minimum requirements, then additional lands necessary to meet the requirements for the preservation area shall be designated for set-aside. Such lands may be selected by the applicant based on connectivity or proximity to the preservation area and the Northern Currituck Wildlife Habitat Preservation corridor and included within the preservation area. This land may be "rewilded" to develop or maintain Corola Wild Horse/Banker Horse wild horse habitat.

(iii) Primary and Secondary Preservation Areas Exceed Required Area

In the event the area occupied by the primary preservation area and the geographic area of all features identified and prioritized as the secondary preservation area results in a combined preservation area exceeding the preservation area requirements, the applicant may identify which portions of the secondary preservation feature(s) will be designated for preservation to development area. To the maximum extent practicable, priority for retention shall be given to the highest quality portion of the feature(s) to be conserved, and the connectivity and suitability for wildlife habitat preservation. If connectivity of the secondary area is not possible, the developer will design the area to ensure the safe passage of wildlife and the Currituck Banker Horses/Corolla Wild Horses. In no instance shall any portion of the primary preservation area be designated for preservation to development area.

(3) Allowable Uses

Uses located within a secondary preservation area shall be limited to:

- **(a)** All uses allowed in a primary preservation area;
- **(b)** Required drainage and stormwater management;
- **(c)** Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.
- **(d)** Active or Passive Recreational Use as defined in 7.1.3.d1 and 7.1.3.d2

C. Ownership

The secondary preservation area shall comply with the following ownership requirements.

(1) Homeowners or Property Owners Association: May be owned jointly or in common by the owners of the development through a recognized homeowners or property owners association, which shall be established in accordance with Section 6.1.4, Homeowners or Property Owners Association Requirements.

(2) Individual Private Ownership: Up to 85 percent of area exceeding the required preservation areas may be owned by a private individual such as a developer or other private entity provided it is used in accordance with the allowable uses in this section.

(3) Nonprofit Organization: The landowners may decide to convey the secondary preservation area to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the county is provided adequate assurance it will be properly managed and maintained.

D. Development Areas

After identifying the primary and secondary preservation areas, the development area shall be identified. It is the area within which development may occur, and shall include the area within the site where:

- **(1)** Any clearing or grading activities will take place;
- **(2)** Ingress and egress will be located;
- **(3)** Streets, electrical or internet utilities will be located; and
- **(4)** All allowable uses may be located.

Item 5: That Chapter 6, Section 6.2.1.J is amended by removing the following strike-through language and adding the underlined language:

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.

(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 except in the preservation subdivision. In the preservation subdivision, right of ways shall be 60 feet.;

(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 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:

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

(10) 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.

(11) 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.

(12) 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.

Item 6: 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 7: Statement of Consistency

[STATEMENT OF CONSISTENCY TO BE ADDED FOLLOWING BOARD ACTION]

Item 8: This ordinance amendment shall be in effect from and after the _____ day of _____ _____, 2024.

_____
Board of Commissioners' Chairman

Attest:

_____
Leeann Walton
Clerk to the Board

(SEAL)

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: __AYES _____NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Currituck County
Planning & Inspections Department
153 Courthouse Road Suite 110
Currituck NC 27929
252-232-3055

To: Board of Commissioners

From: Planning Staff

Date: April 30, 2024

Subject: PB 24-13 North-South Development Group LLC Text Amendment

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Request

North-South Development Group LLC submitted a text amendment to the Unified Development Ordinance (UDO) to amend Chapter 3. Zoning Districts related to the Mixed Residential (MXR) district. The request affects the maximum gross density for the MXR zoning district related to Conditional MXR districts located in areas designated Full-Service on the Future Land Use Map. Full-Service areas of the *Imagine Currituck 2040 Vision Plan* are typically located in the G-2, G-3 and G-4 transects.

Currently, the max. density for MXR districts is based on the specific development types proposed. This proposed change will allow a maximum **overall** density of 3 dwelling units per acre computed based on the entire tract area instead of requiring individual density calculations for the specific types of development within the tract. MXR projects that include multi-family dwellings must first obtain conditional MXR approval. This amendment allows a maximum **overall** density of 3 dwelling units per acre in the Full-Service Area provided the project includes a mix of multi-family and single-family detached dwellings.

Background

The MXR zoning district was established with the adoption of the 2013 UDO by reclassifying the Mixed Residential (RA) zoning district to the MXR district. The UDO identifies the MXR zoning district as a residential zoning district and limits the building area and intensity of neighborhood serving commercial uses due to the residential designation of the district. The MXR district is a transitional residential district that typically would be located between residential zoning (single family) and more intense commercial zoning (GB). As provided in Section 3.4.6, District Purpose, the MXR district is established to accommodate a variety of residential use types at moderate densities with low intensity neighborhood serving commercial, personal service and institutional uses outside of a community and village center. In the MXR district, lands designated as non-residential can be used to calculate overall residential density. The district is intended to provide moderate-cost housing options for county residents within well-designed neighborhoods and developments that incorporate open space resources and may also include limited nonresidential uses proximate to housing. The district accommodates all forms of residential development, including detached dwellings, apartments, townhouses, manufactured homes on individual lots (only on the mainland), accessory dwelling units, and live/work developments. Development in the MXR district is subject to various design standards, including community compatibility standards applied to multi-family and nonresidential uses proposed adjacent to existing single-family dwellings.

Imagine Currituck 2040 Vision Plan
The following policies of the *Imagine Currituck 2040 Vision Plan* may apply to the proposed request:

Land Use Goal 1
Encourage development to occur at densities appropriate for their location and consider factors, including but not limited to: environmentally suitable areas; suitable soils; adequate infrastructure; the type and capacity of sewage treatment available to the site; the adequacy of transportation facilities providing access to the site; and compatibility and proximity of the site to existing and planned County services.

G-2: Controlled Growth Transect
The G-2 classification contains medium-density residential developments and neighborhood-scale commercial nodes. This sector is characterized by an interconnected local road network, available water or wastewater, and walkable neighborhoods that connect to parks, open space, commercial nodes, and other neighborhoods.

Appropriate Land Uses and Development Types:
» Medium-density single family subdivisions
» Mixed residential developments that provide a variety of housing types
» Limited multi-family developments
» Neighborhood office and commercial mixed-use including beach-tourism supporting businesses
» Civic uses such as schools or County facilities
» Agritourism
» Eco-tourism
» Encourage neighborhood serving commercial to locate near road intersections, neighborhood serving facilities such as schools and parks and existing compatible commercial uses.
» All new development and redevelopment in G-2 shall connect to county water.
» Medium density residential, commercial and compatible industrial uses are encouraged to locate within the G-2 transect areas where both water and wastewater services are available.

G-3: Mixed-Use Centers and Corridors Transect
The G-3 classification is supported by major transportation networks, public water and wastewater infrastructure, and a community greenway system that links neighborhoods to mixed use areas. This sector provides for a wide range of uses including mixed residential subdivisions with a variety of housing types and mixed use developments that maximize the efficient use of space. Attractive mixed use development can be achieved by incentivizing multi-story buildings that comply with design standards that emphasize building form, orientation, and architecture.

Appropriate Land Uses and Development Types:
» Mixed residential developments that provide a variety of housing types
» Horizontal and vertical mixed-use development
» Multi-family development
» Office and institutional
» Light industrial facilities
» Regional commercial centers with national brands
» Medium to high residential densities, commercial and compatible industrial uses are encouraged to locate within the G-3 transect areas where both water and wastewater services are available.

G-4: Village Center Transect
The G-4 classification is characterized by a compact street network, a well-developed pedestrian network, and readily available water or wastewater infrastructure. Village centers should be developed into complete communities with walkable neighborhoods and pedestrian-oriented streetscapes. Development in the Village Center should prioritize the preservation and rehabilitation of historic buildings, encourage compatible infill development and locate parking on the street or side and rear of buildings. Architectural standards for the Village Center should be strengthened to ensure appropriate scale, massing, orientation, and location of buildings.

Appropriate Land Uses and Development Types:
» Mixed residential and commercial uses
» Civic and cultural uses
» County services
» Entertainment
» Medium to high residential densities and commercial uses are encouraged to locate within the G-4 transect areas where both water and wastewater services are available.

Countywide Implementation Matrix

CC-ACT-16 Update UDO to provide incentives for development of a variety of workforce housing for mixed incomes.

NM-ACT-13 Incentivize medium-density transitional subdivisions that establish interconnected walkable neighborhoods that link parks and open space in the transitional areas of residential development near Moyock and Currituck.

NM-ACT-20 Incentivize the development of multigenerational and senior housing.

NM-ACT-21 Require large-scale residential development to include a supporting commercial component or an interconnection to existing adjacent business.

LC-ACT-9 Promote mixed-use development that includes family entertainment and tourism-supporting businesses south of the waterpark in Lower Currituck.

LC-ACT-10 Promote the development of a mixed use village in Grandy with higher residential density and 2-3 story buildings constructed to architectural design standards.

LC-ACT-11 Encourage and consider incentives for development of a variety of housing.

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

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would

improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation
The staff recommendation on the proposed text amendment involves concluding whether the application complies with all applicable review standards (Text Amendment Review Standards). As presented, staff recommends approval of the proposed text amendment because the proposed amendment:

1. Is consistent with the purpose and intent of the MXR zoning district.
2. Does not conflict with the UDO or Code of Ordinances.
3. Is consistent with the purpose and intent of zoning districts and would ensure efficient development within the county.
4. Would result in a logical and orderly development pattern because the maximum density may be achieved where existing wastewater and county water services are available.
5. Implements action items of the Imagine Currituck 2040 Vision Plan related to incentivizing development of a variety of housing with a supporting commercial component.

Staff recommends approval of this request, subject to the following suggested Consistency Statement:

The requested text amendment is in conformance with the General Purpose and Intent of the Unified Development Ordinance and is consistent with the goals, objectives, and policies of the *Imagine Currituck 2040 Vision Plan,* including Land Use Goal 1, the G-2, G-3 and G-4 Transects and Implementation Actions identified in the Matrix including CC-ACT-16, NM-ACT-13, NM-ACT-20, LC-ACT-9, LC-ACT-10 and LC-ACT 11.

Planning Board Recommendation
On April 9, 2024, the Planning Board recommended approval of the request as submitted 4-2.

Planning Board Discussion
Jason Litteral presented the staff report and reviewed the requested text amendment changes. Mr. Litteral said the amendment provides the developer more flexibility and affords them a higher density. Mr. Litteral gave the consistency statement, said staff recommends approval of the request, and directed the board to the review standards.

Board members questioned the density changes and the affected locations. Mr. Litteral explained the maximum density would be 3 dwelling units per acre in the Mixed Residential Zoning District which must be in a Full-Service area with sewer and county water.

Mark Bissell with Bissell Professional Group came before the board to represent the applicant. Mr. Bissell questioned the language in the text amendment and whether duplexes were considered single-family detached. After discussion with staff, it was determined the wording of the text amendment could stay the same.

Motion
Vice Chairman Owens moved to **approve PB 24-13 North-South Development Group Text Amendment** because the request is in conformance with General Purpose and Intent of the Unified Development Ordinance and is consistent with the goals, objectives, and policies of the *Imagine Currituck 2040 Vision Plan,* including Land Use Goal 1, the G-2, G-3 and G-4 Transects and Implementation Actions identified in the Matrix including CC-ACT-16, NM-ACT-13, NM-ACT-20, LC-ACT-9, LC-ACT-10 and LC-ACT 11.

Mr. Innes seconded the motion and the motion passed 4-2 with Mr. Doll and Ms. Krause voting nay.

PB 24-13 NORTH-SOUTH DEVELOPMENT GROUP, LLC TEXT AMENDMENT BOARD OF COMMISSIONERS

MAY 6, 2024

Amendment to the Unified Development Ordinance, Chapter 3. Zoning Districts to modify the overall max. gross density in the Conditional Mixed Residential (C-MXR) zoning district.

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

Item 1: That Chapter 3, Section 3.4.6., Mixed Residential (MXR) District is amended by adding the following underlined language:

D. DIMENSIONAL STANDARDS

CD=COTTAGE DEVELOPMENT

	Residential	Multi-Family		Nonresidential	
	Single-Family Detached	CD	Other		
Max. Gross Density, Full-Service Area (du/ac) [8]	2.0	3.0	3.0	2.0	
Max. Gross Density, Limited-Service Area (du/ac)	1.0	1.5	1.5	1.0	
Max. FAR (%)	N/A	N/A	N/A	0.40	
Min. Lot Area/Dwelling Unit (sq ft) [1]	15,000	N/A	N/A	20,000	1
Min. Open Space Set-Aside (% of development size) [2]	30	40	30	10	2
Min. Lot Width (corner or interior lots) (ft)	100	100 [3]	100[3]	200 [3]	3
Max. Lot Coverage (%)	30	40 [3]	40 [3]	65 [3]	
Perimeter Building Wall Setbacks (from development boundaries)					
Front and Corner Side Setback (ft)	20	20	50	20	4
Major Arterial Street Setback (ft)	50	50	50	50	
Side Setback (ft) [5]	10	10 [3]	15	15	5
Rear Setback (ft)	25	30[3]	30[3]	30	6
Min. Agricultural Setback (ft) [4]	50	50	50	50	
Min. Accessory Use Setback (ft)	10	10[3]	10	10	7
Min. Driveway/Parking Setback (ft)	10	10 [3]	10 [3]	10 [3]	8
Min. Fill Setback from Perimeter Lot Line	10	10	10	10	
Min. Wetland/Riparian Buffer (ft) [4]	30	30	30	30	
Max. Building Height (ft)	35	35	35	35	
Min. Spacing Between Buildings (ft)[5] [6]	20	20	20	20	9
Max. Building Length (ft)	N/A	N/A	250	[7]	0

[1] Maximum lot depth shall not exceed four times the lot width
[2] Applied to subdivisions platted after UDO effective date
[3] Applied to entire development, not individual building lots
[4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater
[5] Setbacks are subject to needed fire flow based on the ISO method
[6] Not applied to individual units in a zero lot line development
[7] Commercial and personal service uses are limited to a maximum size of 2,500 square feet per building. Sites designated Full-Service, and fronting a major arterial are limited to a maximum building size of 10,000 square feet.
[8] For Conditional MXR developments with centralized wastewater and county water supply that include a mix of multi-family dwellings and single-family detached dwellings, overall maximum gross density may be increased to 3 dwelling units per acre based on the total land area of the C-MXR tract in accordance with Section 10.3. 5.

Item 2: Insert Statement of Consistency

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 _____, 2024.

_____
Board of Commissioners' Chairman
Attest:

_____
Leeann Walton
Clerk to the Board

(SEAL)

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS

PLANNING BOARD DATE: 4/9/2024
PLANNING BOARD RECOMMENDATION: Approved
VOTE: 4 AYES 2 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 4/24/2024 and 5/1/2024
BOARD OF COMMISSIONERS PUBLIC HEARING: 5/6/2024
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Text Amendment
Application

OFFICIAL USE ONLY:	
Case Number:	PB 24-13
Date Filed:	2/22/2024
Gate Keeper:	C. Grego
Amount Paid:	$300.00

Contact Information

APPLICANT:

Name: North-South Development Group LLC

Address: 417 D Caratoke Highway
Moyock, NC 27958

Telephone: c/o Mark Bissell, (252) 261-3266

E-Mail Address: c/o Mark Bissell, mark@bissellprofessionalgroup.com

Request

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

Amend Chapter(s) 3 Section(s) 3.4 as follows:

Amend Subsection 3.4.6.D Mixed Residential (MXR) District Dimensional Standards table to add a footnote as follows:

Max. Gross Density, Full Service Area (du/ac) [1]

[1] Maximum gross density shall be calculated by dividing the total number of dwelling units by the total amount of land area of the entire tract, regardless of where the dwelling units are located within the tract, and where the dwelling units include a mix of multifamily and single-family detached, the maximum gross density shall be 3.0 du/ac overall.

*Request may be attached on separate paper if needed.

Petitioner: Justin Old, Member

February 21, 2024
Date

Text Amendment Submittal Checklist

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

Text Amendment

Submittal Checklist

Date Received: February 22, 2024

Project Name: Flora Farm and Flora Commercial

Applicant/Property Owner: North-South Development Group LLC

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

For Staff Only

Pre-application Conference

Pre-application Conference was held on March 30, 2024 and the following people were present:

Justin Old, Mark Bissell, Walker Abbott, Jennie Turner, Bill Newns

Comments

D. DIMENSIONAL STANDARDS

CD=COTTAGE DEVELOPMENT

	Residential	Multi-Family		Nonresidential	
	Single-Family Detached	CD	Other		
Max. Gross Density, Full Service Area (du/ac) [1]	2.0	3.0	3.0	2.0	
Max. Gross Density, Limited Service Area (du/ac)	1.0	1.5	1.5	1.0	
Max. FAR (%)	N/A	N/A	N/A	0.40 [7]	
Min. Lot Area/Dwelling Unit (sq ft) [1]	15,000	N/A	N/A	20,000	1
Min. Open Space Set-Aside (% of development size) [2]	30	40	30	10	2
Min. Lot Width (corner or interior lots) (ft)	100	100 [3]	100[3]	200 [3]	3
Max. Lot Coverage (%)	30	40 [3]	40 [3]	65 [3]	
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Min. Agricultural Setback (ft) [4]	50	50	50	50	
Min. Accessory Use Setback (ft)	10	10[3]	10	10	7
Min. Driveway/Parking Setback (ft)	10	10 [3]	10 [3]	10 [3]	8
Min. Fill Setback from Perimeter Lot Line	10	10	10	10	
Min. Wetland/Riparian Buffer (ft) [4]	30	30	30	30	
Max. Building Height (ft)	35	35	35	35	
Min. Spacing Between Buildings (ft)[5] [6]	20	20	20	20	9
Max. Building Length (ft)	N/A	N/A	250	[7]	10

[1] Maximum gross density shall be calculated by dividing the total number of dwelling units by the total amount of land area of the entire tract, regardless of where the dwelling units are located within the tract, and where the dwelling units include a mix of multifamily and single-family detached, the maximum gross density shall be 3.0 du/ac overall.
[2] Maximum lot depth shall not exceed four times the lot width
[3] Applied to subdivisions platted after UDO effective date
[4] Applied to entire development, not individual building lots
[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater
[6] Setbacks are subject to needed fire flow based on the ISO method
[7] Not applied to individual units in a zero lot line development
[8] Commercial and personal service uses are limited to a maximum size of 2,500 square feet per building. Sites designated Full-Service, plans and fronting a major arterial are limited to a maximum building size of 10,000 square feet

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING THE CURRITUCK COUNTY CODE OF ORDINANCES BY ADDING SECTION 12-70 PROVIDING FOR A CRIMINAL PENALTY FOR OPERATING GOLF CARTS ON PUBLIC STREETS AND ROADS IN VIOLATION OF CHAPTER 12, ARTICLE V OF THE CODE OF ORDINANCES

WHEREAS, pursuant to N.C. Gen. Stat. §153A-245 a county may regulate the operation of golf carts on any public street, road or highway where the speed limit is 35 miles per hour or less; and

WHEREAS, pursuant to NC Senate Bill 300, if an ordinance creates a criminal penalty for violation, that penalty shall be stated within the ordinance itself.

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

PART I. That the Code of Ordinances, Currituck County, North Carolina is amended by adding Sec. 12-70 to Chapter 12, Article V. Operation of Golf Carts on Public Streets and Roads to read as follows:

ARTICLE V. OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS

Sec. 12-70. Violation of Article.

A violation of this article shall be a civil violation subjecting the offender to a civil penalty in the amount of $75.00 and shall ~~not~~ constitute a misdemeanor or infraction enforceable under G.S. 14-4.

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

PART III. This ordinance is effective upon its adoption.

.

ADOPTED this ____ day of May, 2024.

_____

Bob White, Chairman

ATTEST:

_____

Leeann Walton
Clerk to the Board

APPROVED AS TO FORM:

_____

Megan E. Morgan
County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____
Second by Commissioner _____
Vote: _____ AYES _____NAYS
S:\Legal\Ordinances\

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS ADDING SECTION 10-107(D) OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO ADD A CIVIL AND CRIMINAL PENALTY FOR VIOLATION

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-145.3 a county may, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions upon the State's ocean beaches and prevent or abate any unreasonable restriction of the public's right to use the State's ocean beaches; may regulate, restrict, or prohibit the placement, maintenance, location or use of equipment, personal property, or debris upon the State's ocean beaches; and may otherwise enforce any ordinance adopted pursuant to this section or any other of provision of law upon the State's ocean beaches located within the county's jurisdictional boundaries.

WHEREAS, pursuant to NC Senate Bill 300, if an ordinance creates a criminal penalty for violation, that penalty shall be stated within the ordinance itself.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding Section 10-107(d) of the Code of Ordinances to read as follows:

Sec. 10-107. - Parking.

(a) *Unlawful Parking*. No person shall leave, or cause to be left, any vehicle, trailer or other obstruction on the facility in such a location, position or condition that it will prevent, impede or inconvenience the use of the facility by other persons, or leave parked any vehicle or trailer or other object at any place on the facility other than at such place or zone as is designated as an authorized parking zone and clearly marked as such.

(b) *Overnight and 24-hour parking.* No person shall leave, or cause to be left, a vehicle or any other object, at the facility beyond 10:30 p.m., except in the event of a mechanical emergency, and then in that event the disabled vehicle or equipment must be removed from the facility within 24 hours of first being located thereon.

(c) *When facility is full.* At any time when the designated parking area of the facility is fully occupied, any person may enter and use the facility, provided the person makes other arrangements for parking and violates none of the other provisions of this division.

(d) A violation of this section shall be a civil violation subjecting the offender to a civil penalty in the amount of $75.00 and shall constitute an infraction enforceable under N.C. Gen. Stat. § 14-4.

PART II. Severability. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Should a court of competent jurisdiction declare this ordinance or any part of this ordinance to be invalid, such decision shall not affect the remaining provisions of this ordinance or the Code of Ordinances of the County of Currituck, North Carolina.

PART III. This ordinance is effective upon adoption.

ADOPTED this _____ day of May, 2024.

_____
Bob White, Chairman

ATTEST:

_____
Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

_____
Megan E. Morgan, County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____
Second by Commissioner _____
Vote: _____ AYES _____NAYS

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 10-64(n) OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO ADD A CRIMINAL PENALTY FOR VIOLATION

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-145.3 a county may, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions upon the State's ocean beaches and prevent or abate any unreasonable restriction of the public's right to use the State's ocean beaches; may regulate, restrict, or prohibit the placement, maintenance, location or use of equipment, personal property, or debris upon the State's ocean beaches; and may otherwise enforce any ordinance adopted pursuant to this section or any other of provision of law upon the State's ocean beaches located within the county's jurisdictional boundaries; and

WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws, as amended by S.L. 1998-64 and S.L. 2001-33 the county may by ordinance regulate, restrict, and prohibit the use of dune or beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven vehicle specified by the county's governing board on the foreshore, beach strand and barrier dune system; and

WHEREAS, pursuant to N.C. Gen. Stat. § 14-4, if any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars ($50.00); and

WHEREAS, pursuant to NC Senate Bill 300, if an ordinance creates a criminal penalty for violation, that penalty shall be stated within the ordinance itself.

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 10-64 of the Code of Ordinances to read as follows:

Sec. 10-64. – User Permit system

(n) Violation of Section. ~~Notwithstanding section 10-54 of this code,~~ A violation of this section shall be a civil violation subjecting the offender to a civil penalty in the amount of $100.00 and shall ~~not~~ constitute ~~a misdemeanor or~~ infraction enforceable under G.S. 14-4.

PART II. Severability. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Should a court of competent jurisdiction declare this ordinance or any part of this ordinance to be invalid, such decision shall not affect the remaining provisions of this ordinance or the Code of Ordinances of the County of Currituck, North Carolina.

PART III. This ordinance is effective upon its adoption.

ADOPTED at the ____ day of _____, 2024.

_____
Bob White, Chairman

ATTEST:

_____
Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

_____
Megan E. Morgan, County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____
Second by Commissioner _____
Vote: _____ AYES _____NAYS

COLLEGE OF THE ALBEMARLE

Transform Your Tomorrow

April 10, 2024

Mr. Bob White
Chairman
Currituck County Board of Commissioners
818 Corolla Drive
Corolla, NC 27927

Dear Chairman White,

I trust this letter finds you well. I am writing to bring to your attention an upcoming opportunity for reappointment to the College of The Albemarle's Board of Trustees. The term of Selina Jarvis, which concludes on June 30, 2024, presents an occasion for them to continue their invaluable service to our institution. Mrs. Jarvis has been a dedicated member of our Board since 2020, demonstrating an unwavering commitment to transforming the lives of our community through higher education.

During her tenure, Mrs. Jarvis has consistently exhibited outstanding attendance at Board meetings. Her unique contributions, such as her service on the Board's Buildings and Grounds Committee and College of The Albemarle Foundation's Board of Directors, have been invaluable. Her wealth of knowledge from her experience in the K-12 sector and steadfast dedication make her an indispensable asset to our Board. I have every confidence that if reappointed, Mrs. Jarvis will continue to offer invaluable insights and wisdom, guiding the College of The Albemarle towards sound decision-making.

Moreover, I wish to underscore the College of The Albemarle Board of Trustees' unwavering commitment to diversity and inclusion. This commitment, which we recently enacted through COA Policy 1.9: Diversity and Inclusion, is a cornerstone of our institution's operations. We are committed to working with you as an appointing agency to ensure that our Board is representative of the communities we serve and promotes the College's mission of transforming lives.

At present, our Board comprises 19 members, hailing from our seven-county service area. However, due to recent legislative changes, the Board will expand to 24 members on July 1st. Appointments to the Board are made by various governmental agencies in accordance with North Carolina General Statutes. The existing composition of the Board encompasses individuals of diverse backgrounds, including three Caucasian females, two African-American females, five African-American males, and nine Caucasian males. I can't stress enough the importance of Mrs. Jarvis's institutional knowledge as we grow our Board.

Allow me to extend our heartfelt gratitude for your steadfast support of the College of The Albemarle. As we forge ahead, we request your thoughtful consideration in appointing individuals to the Board who share our unwavering

commitment to diversity and inclusion, and who are poised to make substantive contributions towards advancing our mission of transformative education.

Thank you for your attention to this matter. Should you require any further information or clarification, please do not hesitate to reach out.

Warm regards,

W. David Harris
Chair, Board of Trustees

Number 20240112

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10794-545000	PASS	$ 2,339	
10794-545005	JCPC Council		$ 3,339
10390-499900	Fund Balance Appropriated	$ 1,000	
		$ 3,339	$ 3,339

Explanation: Juvenile Crime Prevention Control (10794) - Transfer budget funds from JCPC Council funding to PASS for State salary increased for FY 2024 and to adjust funding to State allocation. An additional $4,323

Net Budget Effect: Operating Fund (10) - Decreased by $1,000.

Minute Book # _____, Page # _____

Clerk to the Board

Journal # _____

Number 20240113

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
210541-590000	Capital		$ 800
210541-532000	Supplies	$ 800	
		$ 800	$ 800

Explanation: Corolla Fire Service District (210541) - Transfer budgeted funds to reclassify capital purchases to supplies.

Net Budget Effect: Corolla Fire Service District Fund (210) - No change.

Minute Book # _____, Page # _____

_____
Clerk to the Board

Journal # _____

Number 20240114

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10530-514800	Fees paid to Officials		$ 800
10530-516200	Vehicle Maintenance	$ 20,000	
10530-526000	Advertising		$ 1,000
10530-536000	Uniforms		$ 10,000
10530-545000	Contracted Services		$ 10,000
10530-557100	Software License Fee	$ 1,800	
10531 516200	Vehicle Maintenance	$ 4,200	
10531 545000	Contracted Services	$ 1,800	
10531 557100	Software Fees		$ 6,000
10541-502100	Salaries-Overtime		$ 6,000
10541-503000	Salaries-PT		$ 8,000
10541-506000	Insurance Expense	$ 8,000	
10541-513000	Utilities	$ 5,000	
10541-531000	Fuel	$ 900	
10541-545000	Contracted Services	$ 1,000	
10541-590000	Capital		$ 900
		$ 42,700	$ 42,700

Explanation: Emergency Medical Services (10530); Emergency Management (10531); Fire Services (10541) - Transfer budgeted funds for operations for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

_____
Clerk to the Board

Journal # _____

Number 20240115

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
220548-514000	Travel		$ 2,000
220548-516015	Repairs & Maintenance	$ 27,000	
220548-516115	Building & Grounds	$ 10,000	
220548-531015	Gas	$ 10,000	
220548-532015	Supplies	$ 10,000	
220548-536015	Uniforms		$ 30,000
220548-554015	Insurance		$ 15,000
220548-590000	Capital		$ 10,000
		$ 57,000	$ 57,000

Explanation: Knotts Island Fire Services (220548) - Transfer funds for operations for the remainder of this fiscal year in the Knotts Island Fire Service District.

Net Budget Effect: Knotts Island Fire Service District (220) - No change.

Minute Book # _____, Page # _____

Clerk to the Board

Journal # _____

Number 20240116

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10380-484001	Insurance Recovery		$ 3,070
10795-532000	Supplies	$ 8,070	
10795-592000	Projects		$ 5,000
		$ 8,070	$ 8,070

Explanation: Parks & Recreation (10795) - Transfer budgeted funds to repair lawn mower and increase to include restitution for property destruction at Maple Industrial Park.

Net Budget Effect: Operating Fund (10) - Increased by $3.070.

Minute Book # _____, Page # _____

_____
Clerk to the Board

Journal # _____

Number 20240117

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10380-484001	Insurance Recovery		$ 3,070
10795-532000	Supplies	$ 8,070	
10795-592000	Projects		$ 5,000
		$ 8,070	$ 8,070

Explanation: Parks & Recreation (10795) - Transfer budgeted funds to repair lawn mower and increase to include restitution for property destruction at Maple Industrial Park.

Net Budget Effect: Operating Fund (10) - Increased by $3.070.

Minute Book # _____, Page # _____

_____
Clerk to the Board

Journal # _____

Number 20240118

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10441-511010	Data Transmission		$ 11,000
10441-514500	Training & Ed		$ 3,000
10441-532000	Supplies	$ 6,000	
10441-545000	Contracted Services		$ 46,000
10441-557100	Software & Licenses	$ 3,000	
10441-590000	Capital Outlay	$ 51,000	
		$ 60,000	$ 60,000

Explanation: Information Technology (10441) - Transfer budgeted funds for operations, additional software licenses and upgrades to IT storage devices.

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

Minute Book # _____, Page # _____

_____
Clerk to the Board

Journal # _____

Number 20240119

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10460-513000	Utilities	$ 10,000	
10460-545000	Contract Services	$ 15,000	
10460-592000	Projects		$ 25,000
10490-513000	Utilities Other	$ 2,500	
10490-513003	Utilities Court	$ 6,500	
10490-545000	Contracted Services Other	$ 5,000	
10490-545003	Contracted Services CRT/Jail	$ 5,000	
10490-590003	Capital Outlay		$ 19,000
63838-545002	Contracted Services Disposal	$ 150,000	
63838-571500	Recycling	$ 100,000	
63380-482500	Recycling		$ 15,000
63360-470000	Tipping Fees		$ 150,000
63380-481000	Investment Earnings		$ 85,000
		$ 294,000	$ 294,000

Explanation: Public Works (10460); Court Facilities (10490); Solid Waste (63838) - Transfer budgeted funds and increase solid waste revenues for fee based services.

Net Budget Effect: Operating Fund (10) - No change.
Solid Waste Fund (63) - Increased by $294,000.

Minute Book # _____, Page # _____

_____
Clerk to the Board

Journal # _____

Number 20240120

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10640-532008	SHIIP	$ 8,704	
10330-449900	Miscellaneous Grants		$ 8,704
		$ 8,704	$ 8,704

Explanation: Cooperative Extension (10640) - Increase appropriations to record SHIIP (Senior Health Insurance Information Portability) Grant.

Net Budget Effect: Operating Fund (10) - Increased by $8,704.

Minute Book # _____, Page # _____

_____
Clerk to the Board

Journal # _____

Number 20240121

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10511-506000	Insurance Expense		$ 35,000
10511-514000	Travel		$ 2,000
10511-516000	Repairs & Maintenance	$ 31,000	
10511-531000	Fuel		$ 2,000
10511-532000	Supplies	$ 6,000	
10511-590000	Capital Outlay	$ 2,000	
		$ 39,000	$ 39,000

Explanation: Detention Center (10511) - Money is being moved to Repairs and Maintenance to purchase lights/nightligts which are required by general statute and repair outside exterior lights surrounding the detention center complex. Money is being moved to supplies to purchase new radios and other supplies utelized for day to day operations of the detention center. Money is being moved to Capital Outlay to complete the install of the insert to the detention center transport van used to tranport inmates throughout the state.

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

Minute Book # _____, Page # _____

_____
Clerk to the Board

Journal # _____

Number 20240122

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10330-449510	SHERIFF GRANTS		$ 12,829
10510-502000	SALARIES		$ 7,171
10510-514000	TRAVEL		$ 5,000
10510-514500	TRAINING & EDUCATION	$ 3,500	
10510-531000	FUEL		$ 3,500
10510-532000	SUPPLIES	$ 5,000	
10510-536000	UNIFORMS	$ 20,000	
		$ 28,500	$ 28,500

Explanation: Sheriff (10510) - Increase appropriations to record Sheriff's Grant for bulletproof vests and other transfers for operations for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by $12,829.

Minute Book # _____, Page # _____

Clerk to the Board

Journal # _____

Number 20240123

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
50490-590000	Judicial Generator 2024	$ 100,000	
50511-597001	Detention Plumbing 2024	$ 65,000	
50390-495010	T F - Operating Fund		$ 165,000
		$ 165,000	$ 165,000

Explanation: County Governmental Construction (50) - Increase appropriations in the Multi-year construction fund for Design/Engineering/Project Management of a generator at the Judicial Facility in Currituck and for plumbing upgrades at the Maple Detention facility. These funds were appropriated in the current budget in the operating fund.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by $165,000.

Minute Book # _____, Page # _____

_____
Clerk to the Board

Journal # _____

Number 20240123

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
50530-590001	EMS Station Grandy Renovations	$ 175,000	
50390-495042	T F - Transfer Tax Capital Fund		$ 175,000
40450-587050	T T - Co Govt Construction Fund	$ 195,000	
40320-411001	Article 40 Sales Tax		$ 130,000
40320-411002	Article 42 Sales Tax		$ 65,000
		$ 370,000	$ 370,000

Explanation: County Governmental Construction (50) - Increase appropriations for renovations to the Grandy office formerly used by the Sheriff's Department to convert to and EMS station for 24/7 coverage.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by $195,000.
Capital Reserve Fund (40) - Increased by $195,000.

Minute Book # _____, Page # _____

_____
Clerk to the Board

Journal # _____

COUNTY OF CURRITUCK
CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is design and renovation to convert the former Sheriff Grandy office to accommodate EMS for 24/7 coverage.

SECTION 2. The following amounts are appropriated for the project:

EMS Station, Grandy	$	195,000
	$	195,000

SECTION 3. The following funds are available to complete this project:

Transfer from Capital Reserve Fund (40)	$	195,000
	$	195,000

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

a. He may transfer amounts between object line items within the fund up to One Thousand dollars ($1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.

b. He may execute contracts for (1) purchases of apparatus, supplies, and

materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.

c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 6th day of May 2024.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

COUNTY OF CURRITUCK
CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is design and project management replacement of the Geothermal Piping at the Whalehead Club.

SECTION 2. The following amounts are appropriated for the project:

Geothermal Piping Replacement - Whalehead Club	$	150,000
	$	150,000

SECTION 3. The following funds are available to complete this project:

Transfer from Occupancy Tax Fund	$	150,000
	$	150,000

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

a. He may transfer amounts between object line items within the fund up to One Thousand dollars ($1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.

b. He may execute contracts for (1) purchases of apparatus, supplies, and

materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.

c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 6th day of May 2024.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

COUNTY OF CURRITUCK
CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is design of plumbing repairs and replacement project for the Detention Center.

SECTION 2. The following amounts are appropriated for the project:

Detention Center Plumbing Project 2024	$	65,000
	$	65,000

SECTION 3. The following funds are available to complete this project:

Transfer from Operating Fund	$	65,000
	$	65,000

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

a. He may transfer amounts between object line items within the fund up to One Thousand dollars ($1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.

b. He may execute contracts for (1) purchases of apparatus, supplies, and

materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.

c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 6th day of May 2024.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

COUNTY OF CURRITUCK
CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is design, project management and set-up of generator for the Judicial Center.

SECTION 2. The following amounts are appropriated for the project:

Generator - Judicial Center 2024	$	100,000
	$	100,000

SECTION 3. The following funds are available to complete this project:

Transfer from Operating Fund	$	100,000
	$	100,000

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the fund as contained herein under the following conditions:

a. He may transfer amounts between object line items within the fund up to One Thousand dollars ($1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.

b. He may execute contracts for (1) purchases of apparatus, supplies, and

materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.

c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this capital project ordinance for administration of the budget and for the accounting system.

ADOPTED this 6th day of May 2024.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

COUNTY OF CURRITUCK

RESOLUTION AUTHORIZING THE PURCHASE OF KAMSTRUP METERS FROM FORTILINE, INC. THROUGH SOLE SOURCE PURCHASE PURSUANT TO N.C. GEN. STAT. §143-129(e)(6)

WHEREAS, N.C. Gen. Stat. §143-129(e)(6) authorizes a unit of local government to purchase apparatus, supplies, materials or equipment when standardization or compatibility is an overriding consideration; and

WHEREAS, proper functioning of the county's Mainland Water system requires replacement meters compatible with existing systems equipment; and

WHEREAS, as the sole and exclusive distributor of Kamstrup AMR and AMI meters in the State of North Carolina, Fortiline, Inc. is the only entity capable of providing the county with meters compatible with current Mainland Water System equipment and operational systems, and

WHEREAS, Mainland Water System has been using Fortiline, Inc. to construct, develop and upgrade its system; and

WHEREAS, Mainland Water Department needs replacement meters and Fortiline, Inc. is the sole supplier of compatible meters; and

WHEREAS, Fortiline, Inc. is supplying Mainland Water Department with twenty (20) meters at a cost of $1865.00 each meter; and

WHEREAS, the total cost for the Mainland Water Department meter purchase is $39,817.75.

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

Section 1. The County of Currituck is authorized to enter into a contract in the amount of $39,817.75 with Fortiline, Inc. for the sole source purchase of Kamstrup meters in accordance with the sole source provision requirements set forth by N.C. Gen. Stat. §143-129(e)(6). Further, the County Manager is authorized to execute the agreement with Fortiline, Inc. for the acquisition apparatus, materials, and equipment acquisition described in this resolution and the proposed contract.

Section 2. This resolution shall be effective upon its adoption.

This the 6th day of May, 2024.

_____
Bob White, Chairman
Board of Commissioners

ATTEST:

_____
Leeann Walton
Clerk to the Board of Commissioners

(COUNTY SEAL)

Kamstrup

October 3, 2023

Dave Spence
Mainland Water Distribution Supervisor
Currituck County Water Department

REF: Kamstrup sole source distribution

Dear Mr. Spence,

This letter is to confirm that Fortiline Waterworks is the sole source authorized distributor of Kamstrup's flowIQ® Ultrasonic AMR, AMI, ALD and encoded water meters with Nicor or Sensus TRPL connector and systems software for the State of North Carolina.

Please contact the undersigned should you have any questions.

Best Regards,

Mark Patience

Mark Patience
Regional Distribution Sales Manager
Kamstrup Water Metering, LLC
Email: mkpe@kamstrup.com
Mobile: 919-338-6760

Think forward

QUOTE

FORTILINE WATERWORKS
a MORSCO brand

Due to the continued cost and supply challenges in the DUCTILE IRON PIPE, PVC and HDPE markets, the pricing of these products will be based solely on the availability at the time of shipment. Also, given the volatility in these markets we will not be responsible for product availability and shipment delays, as they are out of our control. Bid prices should be considered an estimate, materials will only be priced at time of shipment until the current supply chain challenges are resolved. These terms are in lieu of our standard terms.
We appreciate your partnership.

CUSTOMER NO	QUOTING BRANCH	QUOTE NO	QUOTE DATE	PAGE
210315	FORTILINE RALEIGH	6390332	9/14/23	1

CUSTOMER

COUNTY OF CURRITUCK
PO 20090085-000
446 MAPLE ROAD
MAPLE, NC 27956

PROJECT INFORMATION

2" METER QUOTE

LINE	QTY	UOM	DESCRIPTION	UNIT PRICE	TOTAL PRICE
			********** GIVEN THE CURRENT PRICING AND SUPPLY CHAIN CHALLENGES ALL MATERIAL WILL BE PRICED AT TIME OF SHIPMENT AND THE PRICES BELOW ARE TO BE USED AS AN ESTIMATE FOR BID PURPOSES ONLY **********		
10	20	EA	2" FLOWIQ 3200 METER SS FLG 17" LL **BRAND: KAMSTRUP** **28 IN STOCK**	1,865.0000	37,300.00
				Subtotal:	37,300.00
				Tax:	2,517.75
				Bid Total:	39,817.75

ALL STOCK DELIVERIES ARE SUBJECT TO SHIPPING CHARGES

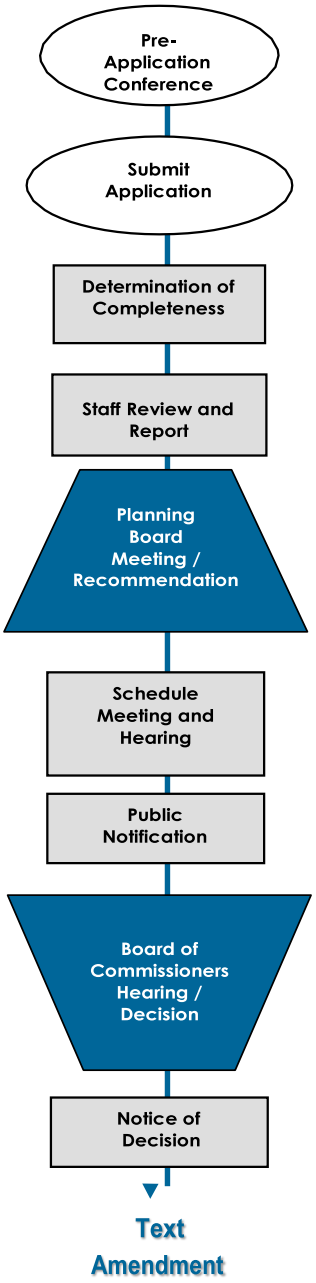
All PVC and HDPE material is quoted for shipment within 7 days of quote/bid date. All other material is quoted for shipment within 30 days of quote/bid date.
After 7 days for PVC and HDPE or 30 days for all other material, ALL quoted prices are subject to review based on current market conditions.

Ent By MS8 9/14/23 12:43:16

BIDCNEW

Text Amendment

Review Process



Contact Information

Currituck County
Planning and Inspections Department
Planning & Zoning Division
153 Courthouse Road, Suite 110
Currituck, NC 27929

Phone: 252-232-3055

Website: http://www.currituckcountync.gov/planning-zoning/

Email: ccpz@currituckcountync.gov

Step 1: Pre-application Conference

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

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

Step 2: Application Submittal and Acceptance

The applicant must submit a complete application packet on or before the application submittal deadline date which is usually the fourth Thursday of each month. If submitting on the submittal deadline date, please call 252-232-3055 to schedule an appointment. Applications may be initiated by the Board of Commissioners, the Planning Boards, the Director, the TRC, or any other interested party. A complete application packet consists of the following:

Submitted on a USB flash drive or a compact disc (CD):

- Completed Currituck County Text Amendment Application.

Applicable Fee:

- $300

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

Step 3: Staff Review and Action

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

Step 4: Advisory Body Review and Recommendation

After the staff prepares a staff report and provides a recommendation on the application, staff shall schedule the application for a public meeting with the Planning Board. At the public meeting, the Planning Board shall consider the application, relevant support materials, staff report, and any public comments. It shall then recommend approval, approval of a modified version, or denial, and clearly state factors considered in making the recommendation. The Planning Board shall provide a recommendation on an application it reviews within two months from the date of its initial meeting to consider the application.

Step 5: Public Hearing Scheduling and Public Notification

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

The application shall meet the following public notification requirements:

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

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

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

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

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

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

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

Text Amendment
Application

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

Contact Information

APPLICANT:

Name: Currituck County Board of Commissioners

Address: 153 Courthouse Road, Currituck, NC 27929

Telephone: 252-232-2075

E-Mail Address: boc@currituckcountync.gov

Request

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

Amend Chapter(s) 5 Section(s) 5.7.3.C.(1) as follows:

Remove the following strikethrough language and add the following underlined language.

Section 5.7. Multi-Family Design Standards

C. Building Design

(1) Maximum Height

Buildings subject to the standards of this section shall have a minimum height of two stories within ~~100~~ 80 feet of a lot with an existing single-family detached residential dwelling, without an intervening public street. This standard shall apply regardless of any incentives, administrative adjustments, or master plans.

This request reduces the required setback from 100' to 80'.

*Request may be attached on separate paper if needed.

Petitioner _____ Date _____

Text Amendment Submittal Checklist

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

Text Amendment

Submittal Checklist

Date Received: _____

Project Name: _____

Applicant/Property Owner: _____

Text Amendment Submittal Checklist – Documents provided on USB flash drive or CD		
1	Complete Text Amendment application	
2	Application fee ($300)	

For Staff Only

Pre-application Conference

Pre-application Conference was held on_____and the following people were present:

_____

_____

Comments

_____

_____

_____

MUTUAL AID AGREEMENT
Disaster - Civil Emergency - All Hazards Incidents

U.S. Department of the Interior
Fish and Wildlife Service
Mackay Island and Currituck
National Wildlife Refuges

and

~~State~~, County/Parish, City of Currituck County

This Mutual Aid Agreement is entered into by and between all Parties:

SECTION 1: Recitals

WHEREAS, the State and local jurisdictions have the primary responsibility for its Citizens and will coordinate first response during a natural or human-caused disaster; AND

WHEREAS, the Parties recognize natural or human-caused disasters can and do threaten the people and communities located within the Region to damage, injury, and loss of life and property resulting from a disaster event, and recognize that these events may present equipment and manpower requirements beyond the capacity of each individual Party; AND

WHEREAS, these natural or human-caused disasters often strike with little or no advanced warning requiring advance planning to reduce lag time in emergency response and aid in recovery operations; AND

WHEREAS, the Parties recognize that in the past, mutual aid has been provided between or among the Parties have a long history of positive cooperation in the form of personnel, supplies and equipment during disasters and/or civil emergencies and during cleanup periods; AND

WHEREAS, the governing officials of the Parties desire to secure for each Party the benefits of mutual aid and protection of life and property in the event of a disaster and/or civil emergency; AND

WHEREAS, the Service administers lands and waters located within the administrative jurisdiction of the cooperating agency; the Service has employees that are trained in water craft operations, heavy equipment operations, chain saw operation, wild-land fire control, and other specialized operations or services, AND

WHEREAS, immediate action is often required to protect and/or secure the safety of citizen life and property, and/or wildlife and its habitat; AND

WHEREAS, the Parties recognize that a formal agreement for mutual aid would allow for better coordination of effort, ensure that adequate equipment is available, and ensure that mutual aid is accomplished in the minimum time possible; AND

NOW, THEREFORE, the Parties hereto agree as follows:

SECTION 2: Agreement

The Parties hereby mutually agree to assist each other in the event of a natural or human-caused disaster that is beyond their respective ability to alleviate the result of the disaster on their own.

This Agreement may be activated in the event of a natural or human-caused disaster pursuant to:

(a) a Presidential, State, or other local emergency declaration; or
(b) the finding of an emergency by the Emergency Management Coordinator or other duly authorized agent of the State or County/City governing body of a Party; or
(c) a significant event impacting Homeland Security.

Upon activation of the Agreement, the Fish and Wildlife Service agrees to respond as delineated in the Department of the Interior, Departmental Manual - 900 DM 1.1 – 1.10, (see Attachment 1), and shall continue, whether or not the disaster event is still active, until the services of the Party rendering aid are no longer required or when the officer in charge of the forces of the Party rendering aid determines, in his/her sole discretion, that further assistance should not be provided.

SECTION 3: Requests for Mutual Aid

(A) Local Disaster. In the event of a local disaster declaration, the Emergency Management Coordinator or other duly authorized agent of the Party seeking mutual aid shall make the request directly to the Authorized Representative of the Assisting Party from whom aid is sought. A Party from whom mutual aid is sought shall furnish mutual aid to cope with the disaster to the requesting Party, subject to the terms of this Agreement. In the event of a widespread disaster affecting more than one Party, each affected Party shall utilize its respective coordinating group for the provision of mutual aid.

(B) DISASTER THREAT. In the event of an imminent threat of an emergency such that local capabilities are or are predicted to be exceeded, the Emergency

Management Coordinator or other duly authorized agent of the Party seeking mutual aid shall make the request directly to the Authorized Representative of the Assisting Party from which assistance is sought. As all Parties will likely be involved in preparations for a known disaster, requests for mutual aid of this type are optional and it is inherent that the requesting Party will have exhausted all local capabilities prior to making a request from the Assisting Party.

(C) CONDITIONS. The furnishing of resources under this Agreement is subject to the following conditions:

(a) Requests for assistance must be made in writing;

(b) A request for aid shall specify the amount and type of resources being requested, the location where the resources are to be dispatched, and the specific time such resources are needed;

(c) The Assisting Party shall take such action as is necessary to provide and make available the resources requested, provided however, that the Assisting Party, in its sole discretion, shall determine what resources, if any, it has available to respond to the request; and

(d) The Assisting Party shall report to the officer in charge of the Requesting Party's forces at the location to which the resources are dispatched.

(e) When providing assistance under the terms of this Agreement, the personnel, equipment, and resources of any Assisting Party will be under the operational control of the Requesting Party, the response effort to which SHALL be organized and functioning within an Incident Command System (ICS) or Unified Command System (UCS). Direct supervision and control of personnel, equipment and resources shall remain with the designated supervisory personnel of the Assisting Party. The designated supervisory personnel of the Assisting Party shall maintain daily personnel time records, material records, and a log of equipment hours; be responsible for the operation and maintenance of the equipment and other resources furnished by the Assisting Party; and shall report work progress to the Requesting Party. The Assisting Party's personnel and other resources shall remain subject to recall by the Assisting Party at any time, upon reasonable notice to the Requesting Party.

(f) At least twenty-four hour advance notification of intent to withdraw personnel or resources shall be provided to the Requesting Party unless such notice is not practicable, in which case such notice as is reasonable shall be provided;

(g) Unless specifically instructed otherwise, the Requesting Party shall have the responsibility of providing food and housing for the personnel of the Assisting Party from the time of their arrival at the designated location to the time of their departure. However, Assisting Party personnel and equipment should be, to the greatest extent possible, self-sufficient while working in the emergency or disaster area. The Requesting Party may specify only self-sufficient personnel and resources in its request for assistance;

(h) Unless specifically instructed otherwise, the Requesting Party shall have the responsibility for coordinating communications between the personnel of the Assisting Party and the Requesting Party. Assisting Party personnel should be prepared to furnish communications equipment sufficient to maintain communications among their respective operating units;

(i) Whenever the officials, employees and volunteers of the Assisting Party are rendering aid pursuant to this Agreement, such persons shall have the powers, duties, rights, privileges, and immunities, and shall receive the compensation, incidental to their employment or position;

(j) The initial duration of a request for assistance will be specified by the Requesting Party, to the extent possible by the situation.

(k) Within ten (10) days of the return of all personnel deployed under this Regional Mutual Aid Agreement, the Requesting Party will prepare a Summary Report of the event, and provide copies to each Assisting Party. The report shall include a chronology of events and description of personnel, equipment and materials provided by one party to the other.

SECTION 4: Reimbursable Expenses

The terms and conditions governing reimbursement for any assistance provided pursuant to this Agreement shall be in accordance with the following provisions, unless otherwise agreed upon by the Requesting and Assisting Parties and specified in the Event Agreement.

A. PERSONNEL: During the period of assistance, the Assisting Party shall continue to pay its employees according to its then prevailing ordinances, rules, and regulations. The Requesting Party shall reimburse the Assisting Party for all direct and indirect payroll costs and expenses (including travel expenses, benefits, workers' compensation claims and expenses) incurred during the period of assistance, unless agreed to otherwise by the parties in the Event Agreement.

B. EQUIPMENT: The Assisting Party shall be reimbursed by the Requesting Party for the use of its equipment during the period of assistance according to

either a pre-established local or state hourly rate or according to the actual replacement, operation, and maintenance expenses incurred. For those instances in which some costs may be reimbursed by the Federal Emergency Management Agency, the eligible direct costs shall be determined in accordance with 44 CFR 206.228, or other regulations in effect at the time of the Disaster Event.

(a) Each Party shall maintain its own equipment in safe and operational condition.

(b) At the request of the Assisting Party, fuels, miscellaneous supplies, and minor repairs may be provided by the Requesting Party, if practical. If the equipment charges are based on a pre-established local or state hourly rate, then these charges to the Requesting Party shall be reduced by the total value of the fuels, supplies, and repairs furnished by the Requesting Party and by the amount of any insurance proceeds received by the Assisting Party.

C. MATERIALS AND SUPPLIES. The Assisting Party shall be reimbursed for all materials and supplies furnished by it and used or damaged during the period of assistance, except for the costs of equipment, fuel, maintenance materials, labor and supplies, which shall be included in the equipment rate established above, unless such damage is caused by gross negligence, or willful and wanton misconduct of the Assisting Party's personnel. The measure of reimbursement shall be determined in accordance with 44 CFR 206.228 or other regulations in effect at the time of the disaster. In the alternative, the Parties may agree that the Requesting Party will replace, with like kind and quality as determined by the Assisting Party, the materials and supplies used or damaged.

D. RECORD KEEPING. The Assisting Party shall maintain records and submit invoices for reimbursement by the Requesting Party in accordance with existing policies and practices. Upon the declaration of a state or federal disaster, the Requesting Party and Division of Emergency Management personnel shall provide information, directions, and assistance for record keeping to Assisting Party personnel.

E. PAYMENT. Unless otherwise mutually agreed, the Assisting Party shall bill the Requesting Party for all reimbursable expenses with an itemized statement as soon as practicable after the expenses are incurred, but not later than sixty (60) days following the period of assistance, unless the deadline for identifying damage is extended in accordance with applicable federal or State regulations. The Requesting Party shall pay the bill, or advise of any disputed items, not later than sixty (60) days following receipt of the statement, unless otherwise agreed upon.

SECTION 5: Term

This Agreement will be effective upon the day each party signs the agreement. Upon date of last signature, the Agreement shall remain in effect for five calendar years (January 1 – December 31).

SECTION 6: Modification Procedures

This Agreement may be revised and/or modified as necessary, by mutual consent of both parties, by written amendment signed and dated by both Parties.

SECTION 7: Resolving Disagreements

If a dispute should arise between the parties that cannot be settled by the designated project managers, then it will be referred first to the level of the appropriate Assistant Regional Director for the Fish and Wildlife Service and to the appropriate supervisor within the State or local government, for further fact-finding and efforts at resolution. If those efforts should also fail, then the dispute will be referred to the Regional Director or Deputy Regional Director of the Fish and Wildlife Service and to the appropriate elected or appointed official for State or local government. At any stage, third party mediators or arbitrators may be brought in if agreed by both Parties. The parties may also decide to terminate the agreement at any stage of the dispute in accordance with the Termination clause herein.

SECTION 8: Termination Provisions

This agreement may be terminated by either party by giving notification in writing thirty (30) days in advance. Termination of the agreement will then occur after all debts (if any) which have been identified by either Party are paid and/or resolved. Both parties will sign a Termination Agreement that is acceptable to both parties before the agreement is fully terminated.

SECTION 9: Expending Funds

Each Party that performs services or furnishes aid pursuant to this Agreement shall do so with funds available from current revenues of the Party. No Party shall have any liability for the failure to expend funds to provide aid hereunder.

In addition, nothing contained in this Agreement shall be construed as binding the Fish and Wildlife Service to expend in any one fiscal year any sum in excess of appropriation made by Congress, for the purpose of this Agreement for that fiscal year, or as involving the United States in any contract or other obligation for the further expenditure of money in excess of such appropriations. Nor does anything contained in this Agreement obligate the State or County/City to expend

funds not appropriated and administratively allocated to support the purposes of this agreement.

SECTION 10: Required Clauses

A. During the performance of this Agreement, the participants agree to abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of race, color, religion, sex or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex or national origin.

B. No member or delegate to Congress, or resident Commissioner shall be admitted to any share or part of this Agreement, or any benefit that may arise there from, but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

SECTION 11: Liability Clause

Pursuant to 42 U.S.C. 5148 the Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal Agency or an employee of the Federal Government in carrying out the activities authorized hereunder. The extent of any nonfederal liability shall be governed by the laws of State government.

SECTION 12: Other Mutual Aid Agreements

It is understood and agreed that certain signatory Parties may have heretofore contracted or may hereafter contract with each other for mutual aid in civil emergency and/or disaster situations, and it is agreed that, to the extent there is a conflict between this Agreement and any other such Mutual Aid agreement, the provisions this Agreement shall be superior to any such individual contract.

Specifically, the existence of this Agreement shall not prevent a municipality, county, emergency services district, fire protection agency, organized volunteer group, or other emergency services entity from providing mutual aid assistance on request from another municipality, county, emergency services district, fire protection agency, organized volunteer group, or other emergency services entity.

Additionally, the existence of this Agreement shall not prevent any Party hereto from providing immediate emergency assistance as stated in Attachment 1 of this document.

MUTUAL AID AUTHORIZATION AGREEMENT

EXECUTED by the Parties hereto, each respective entity acting by and through its duly authorized official as required by law, on multiple counterparts each of which shall be deemed to be an original, on the date specified on the multiple counterpart executed by such entity.

U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

By: _____

Title: _____

Date: _____

Phone# _____

~~STATE OR~~ LOCAL GOVERNMENT

By: _____

Title: _____

Date: _____

Phone# _____

Required Contact Information (U.S. Fish & Wildlife Service)

Primary:

Contact Name:	**Mike Hoff, Refuge Manager**
Office Number:	**252-429-3100 Ext. 1**
24 Hour Contact #	**757-615-5144**
E-mail address:	**Mike_hoff@fws.gov**

Alternate:

Contact Name:	**Art Beyer, Wildlife Refuge Specialist**
Office Number:	**252-473-1131 Ext. 235**
24 Hour Contact #	**252-475-8355**
E-mail address:	**Arthur_beyer@fws.gov**

Required Contact Information (~~State or~~ Local Government)

Primary:

Contact Name:	**Rebecca Gay , Interim County Manager**
Office Number:	**252-232-2075**
24 Hour Contact #	**252-453-3633, Central Communications**
E-mail address:	**Rebecca.gay@CurrituckCountyNC.gov**

Alternate:

Contact Name:	**Mary Beth Newns, EM Director**
Office Number:	**252-232-2115**
24 Hour Contact #	**252-453-3633, Central Communications**
E-mail address:	**Mary.newns@CurrituckCountyNC.gov**

Attachment 1: Department of the Interior - DOI Policy Manual

900 DM 1.10 Immediate Emergency Response. When an imminently serious condition occurs in the immediate vicinity of Departmental resources, local field personnel of the Department's bureaus or offices are authorized, in response to the request of local governmental authorities, to take necessary action to protect human life, property, or the environment if the response would be impaired by the delay required to seek the approval of senior officials.

A. Immediate Emergency Response means necessary action taken by local field personnel in response to the imminently serious condition.

B. For this purpose, local governmental authorities include Federal, State, local, or tribal entities in the immediate vicinity affected by the imminently serious condition.

C. Field personnel that have undertaken an Immediate Emergency Response must promptly advise their bureau or office management and the Department's Watch Office of the actions taken.

D. Immediate Emergency Response to local governmental authorities should be provided on a cost-reimbursable basis whenever possible. However, such response should not be delayed or denied because of the inability or unwillingness of the local governmental authority to make a commitment to reimburse the Department, bureau, or office for such response.

E. Examples of Immediate Emergency Response assistance to local governmental authorities are:

(1) Rescue, evacuation, and emergency medical treatment of persons; maintenance or restoration of emergency medical capabilities; and safeguarding the public health.

(2) Emergency restoration of essential public services (including fire-fighting, water, communications, transportation, power, and fuel).

(3) Emergency clearance of debris or rubble from public facilities and other areas to permit rescue or restoration of essential services.

(4) Safeguarding, collecting, and distributing, food and essential supplies

(5) Damage assessment.

(6) Interim emergency communications.

Older Americans Month 2024

A PROCLAMATION

Whereas, May is Older Americans Month, a time for us to recognize and honor Currituck County's older adults and their immense influence on every facet of American society; and

Whereas, through their wealth of life experience and wisdom, older adults guide our younger generations and carry forward abundant cultural and historical knowledge; and

Whereas, older Americans improve our communities through intergenerational relationships, community service, civic engagement, and many other activities; and

Whereas, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

Whereas, Currituck County must ensure that older Americans have the resources and support needed to stay involved in their communities — reflecting our commitment to inclusivity and connectedness.

Now, therefore, the Currituck County Board of Commissioners do hereby proclaim May 2024 as Older Americans Month. This year's theme, "Powered by Connection," emphasizes the profound impact of meaningful interactions and social connection on the well-being and health of older adults in our community.

We call upon all residents to join us in recognizing the contributions of our older citizens and promoting programs and activities that foster connection, inclusion, and support for older adults.

_____

Bob White, Chairman

Attest:

_____

Leeann Walton, Clerk to the Board

CURRITUCK COUNTY

NORTH CAROLINA

Minutes- Regular Meeting of the Board of Commissioners

April 15, 2024, 6:00 p.m.

Present:	Bob White Selina S. Jarvis Paul M. Beaumont J. Owen Etheridge Mary "Kitty" Etheridge Kevin E. McCord
Absent:	Michael H. Payment

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1. Call to Order - 6:00 PM

The Board of Commissioners met in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for a Regular Meeting.

Chairman White called the meeting to order at 6:00 PM.

1. Invocation & Pledge of Allegiance

Pastor Ethan Drum attended to offer the Invocation and lead the Pledge of Allegiance. A moment of silence was held in remembrance of Judy Payment, the wife of Commissioner Payment.

2. Ethics Awareness and Conflicts of Interest Reminder

Megan Morgan, County Attorney, recited the Ethics Awareness and Conflicts of Interest Statement. Commissioner McCord disclosed he had previously performed work at the property, but it would not affect his ability to be impartial.

3. Approval of Agenda

Chairman White moved to amend the agenda and withdrew Public Hearing Item 3, PB 24-03: Currituck County Text Amendment, as further discussion is needed on increasing minimum lot sizes.

Commissioner Jarvis seconded the motion. The motion carried, 6-0.

MOVER: Bob White
SECONDER: Selina S. Jarvis

AYES (6): Bob White, Selina S. Jarvis, Paul M. Beaumont, J. Owen Etheridge, Mary R. Etheridge, and Kevin E. McCord

AWAY (1): Michael H. Payment

RESULT: Approved (6 to 0)

2. Public Comment

Chairman White opened the Public Comment period. There were no speakers and the Public Comment period was closed.

3. Commissioner's Report

Commissioner Mary Etheridge provided election information and encouraged citizens to vote on May 14, 2024, the second primary election day. She announced April is National Child Abuse Prevention Month and reviewed statistics on child hunger, poverty and abuse in North Carolina. Department of Social Services contact information was shared for those interested in serving as foster parents.

Commissioner Jarvis announced College of the Albemarle was designated a top ten military friendly school. She congratulated staff on a successful Citizens Academy. She recognized all who have suffered a loss and encouraged others to support those that are hurting.

Commissioner J. Owen Etheridge stressed care on the roads during this planting season, as farm equipment will be traveling the highway.

Commissioner McCord reported on the Citizens Academy's recent visit to the Sheriff's Office and the jail. He offered prayers for Commissioner Payment and his family after the loss of his wife. He reported on the Backpacks for Kids program for needy children.

Commissioner Beaumont offered condolences and prayers to Commissioner Payment and his family.

Chairman White reported meeting with Senator Hanig and Representative Goodwin to discuss the recent Court of Appeals decision regarding Occupancy Tax spending and possible legislative options to ease the burden on taxpayers should funds have to be repaid. He touched on the Citizens Academy and was pleased with the increased participation and citizen involvement in government.

4. County Manager's Report

Interim County Manager, Rebecca Gay, reported the successful weekend events held at Cooperative Extension, including Household Hazardous Waste Collection, Shred Day, Sheriff's Office Prescription Medicine Collection, and the Flower and Garden Show. She announced Currituck County 4-H earned two national horse show qualifiers.

5. County Attorney's Report

Megan Morgan, County Attorney, reported meeting with Airport Manager, William Nelson, to review hangar lease agreements. She reported recent discussions of the Occupancy Tax litigation with Chris Geis, Attorney representing the County.

6. Administrative Reports

1. Trillium Health Annual Report-Bobbie Lowe, Northern Regional Director

Bobbie Lowe, Northern Regional Director of Trillium Health Resources, presented the annual report to the Board. Information on Trillium Health services and medicaid transformation were provided, and Ms. Lowe explained consolidated plans and changes to tailored plan requirements, which will go live on July 1, 2024. She displayed a map of the five regions served by Trillium Health and described how tailored and managed care plans work for members. Care management changes and project updates were presented, with continued focus on substance abuse prevention, naloxone distribution and expansion of foster care families. Upcoming projects were reviewed. Statistics presented noted 496 individuals served in Currituck County. Commissioners thanked Ms. Lowe for the report.

2. Albemarle Commission Update-Michael Ervin, Executive Director

Michael Ervin, Executive Director, began with a review of services provided over the last fiscal year. Documents were distributed to Commissioners for reference during presentation. Highlighted were contributions and spending in Currituck County for home repairs, broadband expansion, and aging services. Additional detail on weatherization and home repair grants were discussed. Next year's projected spending was reviewed, along with Workforce Development, Rural Planning and funding challenges.

Mr. Ervin responded to questions from Board members, and criteria to receive housing assistance was reviewed. Commissioners thanked Mr. Ervin for the presentation and for his service to the region.

7. Public Hearings

1. PB 23-20 New Bridge Creek

Chairman White requested County Attorney, Megan Morgan, provide an explanation for attendees of the quasi-judicial process and expert testimony requirement.

Parties to testify were sworn in and Assistant Planning Director, Jennie Turner, reviewed the request for a 35-lot conservation subdivision. She said the Board previously denied the applicant's request for 37 lots due to a lack of evidence related to injury to adjacent properties, a required finding of fact. A new application was subsequently submitted due to the Board's determination of a significant change to the original, and Ms. Turner used a powerpoint to review the application with Commissioners. The location, zoning of the site and surrounding properties, proposed lot layout, densities, infrastructure, stormwater, landscape and buffers, recreational improvements were presented. A phased plan is expected due to a lack of adequate school facilities. Relevant policies in the 2040 Vision Plan and Moyock Small Area Plan were presented, along with Special Use Permit Review Standards. Ms. Turner responded to questions from Commissioners.

Applicant's Attorney, Bill Brumsey, provided a timeline from the original denial in 2020 and introduced witnesses to testify.

Mark Bissell, Professional Engineer, was called to testify. He provided his education, professional credentials and experience in Land Use as a practicing Engineer and was tendered as an expert witness. He described his role in the planning and design of the subdivision and, using a Powerpoint, provided an overview of the subdivision layout and infrastructure. The developer has agreed to a three phased plan construction plan, and he reviewed design changes from the original denial. He said stormwater plans exceed county requirements and streets will be constructed to North Carolina Department of Transportation standards.

Mr. Bissell responded to questions pertaining to stormwater improvements and housing construction, and he explained the modeling for the ten-year flood. Mr. Bissell reviewed some of the road plans within the subdivision and at the entry.

Mr. Bissell testified to the required findings of fact. The request does not endanger public health or safety, is consistent with the Unified Development Ordinance (UDO) and county land use plans and policies. He addressed adequate school facilities by reviewing the timeline for development, which will see the first home occupied in 2026. Student generation and projections were presented to determine adequate school facilities for the project. The request is reasonable and in the public interest and is compatible with area subdivisions. He said there is a need for these lots in the Moyock area.

Chairman White recessed the meeting at 7:28 PM. The meeting reconvened at 7:37 PM.

Attorney Brumsey called Hunter Howell, Certified North Carolina Real Estate Appraiser. He provided his background, certifications and experience and was tendered an expert in real property appraisals and impacts to real properties. He said his role in the project was to study impacts and evaluate whether the property is in harmony with the area. A hardcopy of Mr. Howell's evaluation and analysis report was distributed to Commissioners, and Mr. Howell testified that the subdivision would have a positive impact on the surrounding area and adjacent land values and that the use will not injure the value of adjoining or abutting lands and will be in harmony in the area in which it is located.

Mr. Howell responded to a question pertaining to the adjoining ten-acre lots and applicant, Jerry Old, was sworn in. Mr. Old explained the property was purchased as one parcel and subsequently some ten-acre lots were divided out but never sold. As the adjoining ten-acre lot homeowners were of concern, Mr. Old said he would install the buffer in that area prior to beginning phase one construction.

Mr. Brumsey summarized the witness testimony and findings of fact required for approval and requested the Special Use Permit be granted based on the evidence presented.

Chairman White opened the Public Hearing.

John Frakes, adjacent property owner, has witnessed flooding and standing water after a rainfall and offered photos for Commissioners to view. He reported on experiencing near collisions at the highway, and said he was told when he purchased in September of 2019 that the parcel next door would consist of ten-acre lots, a major reason he bought the property. He responded to questions from Commissioners regarding ditching at the location.

Tyler Keeton, adjacent property owner, also reported traffic concerns and issues entering via the turn lane as well as exiting onto the highway, and said adding more households will compound the issue. He shared photos of standing water on the property and believes their water quality will deteriorate due to the subdivision's affect on groundwater. He also understood all lots would be ten acres when he purchased. He said they will no longer be able to hunt or shoot in the wooded area.

Clyde Squires lives in first property to north of subdivision and voiced concerns with flood zone elevations and believes the site will drain onto his property.

Donald Landle is in the process of building on one of the ten acre lots. He said it is worrisome traveling in and out of the subdivision. He also

discussed water and the possible affect septic systems will have on the wells of the existing ten-acre lot homes.

Attorney Brumsey asked Jerry Old to respond to comment, and Mr. Old said no representations were made that the lots would be ten acres. Mr. Brumsey stated his objection to opinions related to the subdivision's potential impacts on existing wells and flooding. He reviewed Mr. Bissell's testimony regarding planned road improvements, making entry much safer, but that issues on Caratoke Highway cannot be resolved.

Mark Bissell was recalled to discuss traffic impacts and wait times, stormwater runoff and ditching and drainage plans. He said there will be no impact to groundwater on adjacent properties and no stormwater will enter the ten-acre lots on the northwest boundary of the development. He reviewed existing ditching and that the subdivision will meet state and county stormwater requirements.

There were no other speakers and the Public Hearing was closed.

Commissioner Mary Etheridge said she is familiar with the area and expressed concern with flooding and placing fill on the land.

Chairman White recessed the meeting at 8:15 PM. The meeting reconvened at 8:20 PM.

Conditions were discussed, including the buffer area mentioned during testimony.

Discussion concluded and Commissioner Beaumont moved to approve PB 23-20: New Bridge Creek Subdivision preliminary plat/special use permit, because the applicant has demonstrated the proposed use meets the review standards of the UDO. The TRC Review Comments provided in the staff report shall become conditions of approval. Relative to the Use Permit Review Standards, the use will not endanger the public health or safety based on the accessibility by road for fire and EMS type vehicles; drainage will be improved by improving drainage features; stormwater retention ponds will help improve groundwater reduction; absence of comments from Fire and EMS; approval by building and fire inspections office.

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located based on the unchallenged property valuation and on the vegetative buffers that will be in place between the subdivision and the northern property.

The use will be in conformity with the Imagine Currituck 2040 Vision Plan and other adopted plans, specifically County Infrastructure and County Services Goal 1, Policies 1.2 and 3.1.

The use will not exceed the County’s ability to provide adequate public school facilities based on Phase 1 completion and the first Certificate of

Occupancy not occurring until somewhere around October, 2026, which will be after the elementary school is constructed.

Included are the installation of the vegetative buffer between the subdivision and the next northern ten-acre lot at Phase 1 of construction and the phasing plan as submitted.

Commissioner J. Owen Etheridge seconded the motion. The motion passed 4-2 in favor of approval. Commissioner Jarvis and Commissioner Mary Etheridge opposed the motion.

MOVER: Paul M. Beaumont
SECONDER: J. Owen Etheridge

AYES (4): Bob White, Paul M. Beaumont, J. Owen Etheridge, and Kevin E. McCord

OPPOSED (2): Selina S. Jarvis, and Mary R. Etheridge

AWAY (1): Michael H. Payment

RESULT: Approved (4 to 2)

2. PB 24-08 Bissell Professional Group

Assistant Planning Director, Jennie Turner, reviewed the request which was continued from the April 1, 2024, meeting for language revisions. She said staff worked with Mr. Bissell to craft language to address Commissioner concerns expressed at the original hearing. Language changes were reviewed. Planning Board and staff recommend approval of the text amendment.

Mark Bissell, Applicant, and Ms. Turner recommended further clarification of Item F-3 be revised to state "the roadway portion of the approved reserve account shall be placed in escrow and *shall be released to the developer* upon NCDOT accepting maintenance responsibility for the roads." Board members agreed with the change.

Chairman White opened the Public Hearing. There were no speakers and the Public Hearing was closed.

Commissioner J. Owen Etheridge moved to approve PB 24-08: HOA Transfer of Maintenance Responsibility Text Amendment, because the request is in conformance with the General Purpose and Intent of the Unified Development Ordinance and is consistent with the goals, objectives, and policies of the Imagine Currituck 2040 Vision Plan, including UDO Purpose and Intent Sections 1.3 E, F, and M, and Imagine Currituck 2040 Vision Plan Transportation Goal 1, Policy 1.5; and, with noted changes as brought forth by Mr. Bissell to state "*shall be placed in escrow and shall be released to the developer".*

Commissioner Mary Etheridge seconded the motion. The motion passed, 6-0.

3. PB 24-03 Currituck County

8. New Business

1. Resolution Authorizing Lease of Real Property-Corolla ABC Store

Megan Morgan, County Attorney, reviewed the Resolution authorizing a lease agreement with the ABC Board for the new Corolla store. She discussed notice requirement and terms of the lease which would run for an initial five-year term beginning May 1, 2024, at a rate of $3,000 per month.

Chairman White moved for approval and Commissioner Beaumont seconded the motion. The motion passed, 6-0.

MOVER: Bob White
SECONDER: Paul M. Beaumont

AYES (6): Bob White, Selina S. Jarvis, Paul M. Beaumont, J. Owen Etheridge, Mary R. Etheridge, and Kevin E. McCord

AWAY (1): Michael H. Payment

RESULT: Approved (6 to 0)

2. Consideration for Approval-Fuel Farm Guaranteed Maximum Price (GMP)

Interim County Manager, Rebecca Gay, reviewed the fuel farm project for Commissioners and the Guaranteed Maximum Price (GMP) submitted in the amount of $1,042,033 by Oakes Grading. Commissioner Jarvis moved for approval to accept the GMP and Commissioner McCord seconded the motion. The motion passed, 6-0.

3. Board Appointments

a. Animal Services and Control Advisory Board

Commissioner McCord moved to approve Caitlin Garrett for appointment to the Animal Services and Control Advisory Board, replacing Laura Hill. Commissioner Beaumont seconded the motion. The motion passed, 6-0.

b. Whalehead Stormwater Service District Advisory Board Reappointments

Chairman White moved to reappoint Tim Bostaph and Cheryl Koehl to the Whalehead Stormwater Service District Advisory to serve full terms

ending January 30, 2026. Commissioner Beaumont seconded the motion. The motion passed, 6-0.

4. Consent Agenda

Commissioner J. Owen Etheridge moved for approval of the Consent Agenda. Commissioner McCord seconded the motion. The motion passed, 6-0.

a. Budget Amendments

b. Job Description and Salary Classification Chart Revision-Soil and Water Technician

c. Resolution Designating County Official for Local ABC Permit Application Submittals

d. Department of Social Services-Request for Records Disposal

e. Minutes Approval-April 1, 2024

9. Recess Regular Meeting

The Regular Meeting was recessed at 8:45 PM to convene a Special Meeting of the Tourism Development Authority.

10. Special Meeting of the Tourism Development Authority

The Board of Commissioners sat in a Special Meeting as the Tourism Development Authority during a recess of the April 15, 2024, 6:00 PM Regular Meeting. The meeting took place in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, to consider budget amendments.

The meeting was called to order at 8:45 PM.

1. TDA Budget Amendments

Chairman White moved to approve the budget amendments. Commissioner Jarvis seconded the motion. The motion carried, 6-0, and budget amendments were approved.

MOVER: Bob White
SECONDER: Selina S. Jarvis

AYES (6): Bob White, Selina S. Jarvis, Paul M. Beaumont, J. Owen Etheridge, Mary R. Etheridge, and Kevin E. McCord

AWAY (1): Michael H. Payment

RESULT: Approved (6 to 0)

11. Adjourn Special Meeting and Reconvene Regular Meeting

Commissioner Beaumont moved to adjourn the Special Meeting of the Tourism Development Authority. Chairman White seconded the motion. The motion carried, 6-0, and the Regular Meeting of the Board of Commissioners reconvened at 8:46 PM.

MOVER: Paul M. Beaumont
SECONDER: Bob White

AYES (6): Bob White, Selina S. Jarvis, Paul M. Beaumont, J. Owen Etheridge, Mary R. Etheridge, and Kevin E. McCord

AWAY (1): Michael H. Payment

RESULT: Approved (6 to 0)

12. Closed Session

Chairman White moved to enter Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and preserve attorney-client privilege in the matter entitled Ayers v. Currituck County Department of Social Services. Commissioner Beaumont seconded the motion. The motion passed, 6-0, and Commissioners entered Closed Session.

MOVER: Bob White
SECONDER: Paul M. Beaumont

AYES (6): Bob White, Selina S. Jarvis, Paul M. Beaumont, J. Owen Etheridge, Mary R. Etheridge, and Kevin E. McCord

AWAY (1): Michael H. Payment

RESULT: Approved (6 to 0)

13. Adjourn

Commissioners returned from Closed Session and there was no further business. Commissioner J. Owen Etheridge moved to adjourn and the motion was seconded by Commissioner McCord. The motion carried, 6-0, and the Regular Meeting concluded at 9:06 PM.

MOVER: J. Owen Etheridge
SECONDER: Kevin E. McCord

AYES (6): Bob White, Selina S. Jarvis, Paul M. Beaumont, J. Owen Etheridge, Mary R. Etheridge, and Kevin E. McCord

AWAY (1): Michael H. Payment

RESULT: Approved (6 to 0)

Number TDA2024018

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 6th day of May, 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
15447-511000	Telephone & Postage	$ 100	
15447-513000	Utilites	$ 2,500	
15447-516200	Vehicle Maintenance	$ 1,000	
15447-531000	Fuel	$ 2,000	
15447-545000	Contract Services		$ 5,600
		$ 5,600	$ 5,600

Explanation: Occupancy Tax Tourism Related Expenses (15447) -Transfer budgeted funds for operations for the remaining of the year.

Net Budget Effect: Occupancy Tax Fund (15) - No change.

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Clerk to the Board

TOURISM DEVELOPMENT AUTHORITY
EVENTS GRANT FUNDING CONSIDERATION
MAY 6, 2024

The Tourism Advisory Board (TAB) met on Monday, April 22, at 5:00 PM for the consideration of funding for seven event grant applications for Fiscal Year 2024-2025. A quorum was met with the following five of seven TAB members present:

- Damian Dondero, H2OBX
- Benjamin Beasley, BJs Carolina Café
- Sharon Price, Always 'N Bloom
- Daryl Harlow, Built to Last
- Janice Farr, Sun Realty

The eight grant applications were considered as follows. The representative from each organization is also listed:

- Mustang Mornings on the Farm (Corolla Wild Horse Fund), Chris Winter
- Corolla Christmas Village (Twiddy and Company), Miles Daniels
- Knotts Island School Centennial Celebration (Knotts Island Elementary), Shelley Haskell and Kevin Goins
- Powell's Plows Pumpkins and Farmers Fall Festival, (Powell's Roadside Market), Danielle Barco
- Knotts Island Peach Festival (Knotts Island Ruritan Club), Ardell Waterfield
- Currituck Wildlife Festival (Coinjock Ruritan Club), Rhonda Morris
- Currituck Sound (Sanctuary Vineyard), John Wright (by conference call)
- Y Healthy Kids Day (Currituck Family YMCA), DJ Kophazy

Each organization had a representative present who gave a 5-minute verbal presentation on their event and answered questions from the TAB. The grant applicants were then dismissed and the TAB went through a scoring process using the Event Grant Score Sheet. The highest score that a grant application can receive is 65 points. Following is the average score, based on the individual scores for each event, from highest to lowest:

1. Currituck Sound (Sanctuary Vineyard) = 63.4
2. Currituck Wildlife Festival (Coinjock Ruritan Club) = 61.4
3. Corolla Christmas Village (Twiddy and Company) = 59.6
4. Powell's Plows Pumpkins and Farmers Fall Festival, (Powell's Roadside Market) = 59.4
5. Mustang Mornings on the Farm (Corolla Wild Horse Fund) = 55.5
6. Y Healthy Kids Day (Currituck Family YMCA) = 54.8
7. Knotts Island Peach Festival (Knotts Island Ruritan Club) = 47.8
8. Knotts Island School Centennial Celebration (Knotts Island Elementary) = 15.8

Based on scoring and discussion, the TAB would like to recommend the following funding for each event for Fiscal Year 2024-2025:

- Currituck Sound (Sanctuary Vineyard) = $15,000
- Currituck Wildlife Festival (Coinjock Ruritan Club) = $15,000
- Corolla Christmas Village (Twiddy and Company) = $20,000
- Powell's Plows Pumpkins and Farmers Fall Festival, (Powell's Roadside Market) = $20,000
- Mustang Mornings on the Farm (Corolla Wild Horse Fund) = $20,000
- Y Healthy Kids Day (Currituck Family YMCA) = $10,000
- Knotts Island Peach Festival (Knotts Island Ruritan Club) = $20,000
- Knotts Island School Centennial Celebration (Knotts Island Elementary) = $0 (the TAB determined that this is not a tourism event and is only intended for one year as stated on the application– the purpose of the grant is for tourism centric events, drawing more than 50% of the participants from out of Currituck, and is intended to be multi-year)

Total grant dollars requested and to be considered for award is $120,000.

During the discussion, the TAB indicated its desire to revisit grant criteria for Fiscal Year 2025-2026 at our May 13 meeting. Any new recommendations will be given to the TDA for consideration and approval.

Thank you for the opportunity to submit the grant recommendations.

Respectfully,

Tameron T. Kugler
Currituck Travel & Tourism Director

Number OS20240003

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Ocean Sands Water and Sewer Authority, at a meeting on the 6th day of May 2024, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2024.

Account Number	Account Description	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
60808-516001	Repairs & Maintenance	$ 104	
60808-590000	Capital Outlay		$ 104
		$ 104	$ 104

Explanation: Ocean Sands Water and Sewer (60808) -Transfer funds for operations for the remainder of this fiscal year.

Net Budget Effect: Ocean Sands Water and Sewer District Fund (60) - No change.

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Clerk to the Board