



An Emergency Services comment recommended minimum 10 foot side setbacks for a total of 20 feet between properties.

A note to point out is that walking trails were discussed in early meetings but none are shown on the Master Plan.

In regards to Consistency with the 2015 CAMA Land Use Plan Update: According to the Projected Future Land Use map, the subject area is zoned **Residential and designated a Planned Unit Development area**.

**Recommendations:**

Planning Board, Planning Staff, and the Developer discussed every condition in the proposed conditional use permit one-by-one at the Planning Board meeting. Multiple changes were made to the wording and a few redundant conditions were removed. Minimum setbacks were established for all lots, with additional restrictions being added to lots with side setbacks less than 10 feet. A minimum buffer width of 50 feet was also established around the entire PUD except at road fronts, where it will be less. **One member was absent, but of the 4 present, Planning Board members voted unanimously to advise approval of (PUD) REZ-19-01 with conditions as written in the attached proposed conditional use permit. Planning Board also found it to be consistent and in harmony with the surrounding area and County Land Use Plan.**

I'd like to paraphrase a few conditions in the draft CUP.

**General Land Use:**

A1) Perquimans County has the right to limit the number of lots and housing for each section based on water availability.

A2) County may limit lots less than 15,000 square feet based on the conceptual Master Plan as presented in this application. For example...the applicant can have no more than 39 lots that are 35 ft wide, no more than 92 lots that are 40 ft wide, etc.

A5) Up to 80 rooms will be allowed in the hotel, which shall have a maximum height of 35 feet and/or 3 stories.

A7) Setbacks on lots less than 15,000 square feet or less than 90 feet wide shall be 15 feet front and rear yards and 10 feet side yards. Exceptions allowing 5 foot side yard setbacks may be made on lots 50 feet wide or less. Any lot with less than 10 foot setbacks will require fire protection measures such as fire retardant walls and/or a sprinkler system in consultation with the County Fire Marshal.

**Emergency Services:**

C6) If a bridge is built over Minzies Creek it shall be constructed to DOT standards and shall accommodate fire trucks.

**Transportation:**

**NOTE: DOT already has a copy of the traffic impact analysis but has not finished their review yet. And the local DOT is sending the TIA to Raleigh for their comments also.**

D1) A traffic impact analysis shall be reviewed by NCDOT and a report provided to be considered by the County Commissioners prior to Preliminary Plat Approval.

**Utilities:**

E4) Design and construction cost of any additional elevated water tank will be paid for by the developer.

E5) All improvements to the existing county water system to provide domestic and fire flow capabilities shall be *made* by the County but *paid for* by the developer.

E6) Any water distribution system within Alb. Plantation Phase 2 will be constructed by the developer at the developer's expense. Water will be provided by Perquimans County Water System in accordance with available capacity which is not committed at this time.

**Plat Approvals & Master Plan Amendments:**

F6) If the start of construction is delayed beyond December 31, 2021, the applicant shall formerly request an extension be granted by the Board of County Commissioners.

And finally, Planning Board members asked to add that last condition which states "before any development of the commercial parcels adjoining Church Lane and Harvey Point Road occurs, the developer shall meet with any adjacent property owners to address any concerns related to said development."

A PUD is a conditional use District.

In the usual conditional use district rezoning process, the owner applies for a conditional use permit for a particular project at the same time the rezoning is requested. The two decisions are considered in a single proceeding.

"... Although the rezoning request and the permit application are processed at the same time, the governing board treats the two proposals as legally independent, separate decisions. All of the detailed conditions and specific restrictions on the project are attached to the conditional use permit (which is legal) rather than to the rezoning (which would not be enforceable). In order to do this the board must make two decisions that have very different procedural requirements, but the common practice has been to make both decisions at the same time and with a single hearing."

The rezoning request must follow legislative procedures and the conditional use permit request must follow quasi-judicial procedures.

When you start voting...Staff reminds the Board to give a reason 'why' the rezoning is or is not consistent and in harmony with the surrounding area and remember you have 2 other motions to vote on after that.

If there are no questions from the Board, the applicant, Mr. Masters, is available to speak.

Bobby Masters, Applicant/Developer, made a few comments on the Rezoning Request REZ-19-01. During those comments, he further explained what they were planning on providing on these parcels.

Julie Phelps, 118 Halsey Bay Road, Hertford, NC presented the following statement which disagrees with the rezoning of these parcels:

My name is Julie Phelps. I am here with my husband Mark Phelps. We live at 118 Halsey Bay Rd, known as the Edmund Blount Skinner House, a historic property, which is across Harvey Point Rd from the PUD/rezoning.

I am the GIS Manager for Pasquotank County. Government infrastructure, rezonings, working with developers, all this has been my world for 20 years. I know what is accepted practice in development. I am against this development because I do not think it is good for Perquimans County.

Thank you for the consideration that we be consulted on what goes at the corner of Harvey Point Rd and Church Ln, but this commercial zoning is still completely out of character with the surrounding area. This commercial zoning is also next to one of the oldest black churches in the state. I ask that this area be reserved for a park.

Of my other concerns, the first is that Harvey Point Rd is a dangerous road, with frequent accidents and fatalities. The Traffic Impact Analysis, which does not mention the high accident rate, or the repetitive flooding on the road, shows the "Level of Service" going from a grade of "A" currently, to an "F". Harvey Point Rd CAN NOT, as it is currently configured, handle the amount of traffic that this project will add. The tractor trailers, dump trucks and heavy equipment that go in and out of the base will have to drive through what will become a residential area with a speed limit of 35 miles/hour with multiple stops.

There is no water for this project. The PUD calls for nearly 2500 units plus a hotel. The water report says there is enough water for 455 houses. If 455 houses are built, it will literally take every drop of water that Perquimans can make and/or has access to, leaving none for any other development.

All of the current footprint of Albemarle Plantation and this PUD are outside any fire district, as is my house. The County Fire Marshall stated at the Planning Board meeting that if a house in this area catches on fire, it is going to burn down. And that his concern is that with the small setbacks that are proposed that all the houses will catch on fire. I suggest that the proposed fire house be built and equipped by the developer before any construction begins.

My fear is that this will be just another in a long line of failed developments. The Shores at Lands End is a waste land. It can't be farmed, and nearly all the lots are bank owned. I would propose that if this PUD is approved that any construction is not

allowed to until 80% of AP Phase I and The Shores at Lands End are developed. And that each phase of this development should reach 80% capacity before another phase can be started.

Chuck Paylin, member of the New Haven Baptist Church, came to find out what was going to be happening around his church. He further stated that he did not want any liquor store or commercial properties around their church. He also agreed with a number of things that Ms. Phelps mentioned in her comments.

Mattie Paylin, pastor of New Haven Baptist Church, spoke on the church's behalf and agreed with a number of things that Ms. Phelps had mentioned. She concluded her remarks with the fact that she hopes the Board would consider the comments made tonight and do the right thing.

James Blackman, a resident of Albemarle Plantation, feels that this would be a great thing for the county with regard to tax revenue and services provided. Therefore, he supported their request.

There being no further comments or questions, Chairman Nelson closed the public hearing at 7:00 p.m. and proceeded with the regular meeting.

**AGENDA**

Chairman Nelson said that a copy of the amended Agenda was at their seats tonight. Charles Woodard made a motion to approve the Agenda, as amended. The motion was seconded by Joseph W. Hoffler and unanimously approved by the Board.

**CONSENT AGENDA**

The following items were considered to be routine and were unanimously approved on motion made by Fondella A. Leigh, seconded by Charles Woodard.

1. **Approval of Minutes:** October 7, 2019 Regular Meeting & October 21, 2019 Work Session
2. **Tax Release Approvals:**

PERQUIMANS COUNTY TAX RELEASES:

**Chappell, Wilmer & Christine**----- \$759.92  
House was added to this parcel in error. Should have been added to parcel 1-0016-0009C. Account Number 102960.

**Stallings, Faye S.**----- \$302.97  
Available discount was not calculated. Account No. 356958.

3. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/Step	New Salary	Effective Date
Katelyn Moody	Seasonal Tax Lister	Appointment	n/g	\$13.00/hr.	11/01/2019
Lisa Ambrose	Tax Clerk – DMV	Appointment	58/3	\$25,671	11/01/2019
Erle Solesbee	Code Enforcement Officer	Appointment	61/12	\$36,497	11/01/2019
John C. Wilson	Part-Time Paramedic	Appointment	68/1	\$18.25/hour	11/01/2019
Amy Ward	Business Personal Property Clerk	Job Reclassification	61/1	\$27,900	11/01/2019
Rebecca Murray	Business Personal Property Clerk	Resignation			10/25/2019
Matt Leicester	EMS Shift Supervisor/Training Officer	Resignation			11/10/2019
Matt Leicester	Part-Time/Fill-In Paramedic	Job Reclassification	68/1	\$18.25/hr.	11/11/2019
Edana Hart	Full-time Certified Telecommunicator	Resignation			11/30/2019
Richard Thrasher	Part-Time/Fill-In Paramedic	Removed from Roster			10/25/2019
Jennifer Ayers	PT/FT Non-Certified Telecommunicator	Appointment	60/1	\$12.84/hr.	11/01/2019

4. **Step/Merit Increases:**

Employee Name	Employee Job Title	Grade/Step	New Salary	Effective Date
Syreeta Cullins	IMC II	63/2	\$31,229	11/01/2019

5. **Budget Amendments:**

**BUDGET AMENDMENT NO. 5  
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-017	State Grant - EM/MERT	31,211	
10-530-340	HSGP Grant - MERT	31,211	
<b>EXPLANATION:</b> To amend FY 19/20 budget to include HSGP Grant Award for a MERT (Multiple Event Response Trailer).			

**BUDGET AMENDMENT NO. 6  
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-033	Senior Medicare	645	
10-615-146	SHIP	645	
<b>EXPLANATION:</b> To amend FY 19/20 budget to show the total SHIP amount as approved by the State. (Total SHIP Award = \$3,645 (\$3,000 already budgeted for FY 19/20).			

**BUDGET AMENDMENT NO. 7  
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-000	DSS - State Grants	5,391	
10-610-192	Crisis Intervention	5,391	
<b>EXPLANATION:</b> To amend FY 19/20 budget to include additional funds in the crisis intervention line as allocated by the State.			

6. **Board Reappointments:** The following Board reappointments were unanimously approved by the Board:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Moore, Antoine	Planning Board, Chairman	Reappointment	3 yrs.	11/01/2019
Smith, Lewis	Planning Board, Vice Chairman	Reappointment	3 yrs.	11/01/2019

7. **Miscellaneous Documents:** The following miscellaneous documents were unanimously approved by the Board:

➤ **Surplus Vehicle:** The Board adopted the following resolution declaring certain items as surplus equipment to be sold on GovDeals:

**RESOLUTION AUTHORIZING SALE  
OF CERTAIN SURPLUS COUNTY PROPERTY**

WHEREAS, the Perquimans County Board of Commissioners desires to dispose of certain surplus property of the County:

NOW, THEREFORE, BE IT RESOLVED by the Perquimans County Board of Commissioners that:

1. The following described property is hereby declared to be surplus to the needs of the County:

<u>Model Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN</u>
2011	Dodge	Charger	9342

2. The County Manager is hereby authorized and directed to proceed on behalf of the Perquimans County Board of Commissioners to sale this surplus vehicle on GovDeals.

3. The County reserves the right to reject any or all bids and decide not to sell the property at any time during this process.

4. The County Manager, in accordance with State law, shall cause a summary of this resolution to be published once in a newspaper having general circulation in the County and place it on the County’s website. After not less than ten (10) days from the date of publication, the County Manager is authorized to sell the above-described property to the highest bidder.

Adopted this the 4<sup>th</sup> day of November, 2019.

\_\_\_\_\_  
Wallace E. Nelson, Chairman

ATTEST:

\_\_\_\_\_  
Mary P. Hunnicutt, Clerk to the Board

**INTRODUCTION OF NEW EMPLOYEES/STAFF**

The following employees were introduced to the Board/Staff:

- **Susan Chaney:** Ms. Chaney, Social Services Director, introduced the following employees who were appointed effective September 1, 2019: Terrance Brown, IMC I working toward IMC II; Elena Howell, Office Assistant III; and Kim White, IMC I working toward IMC II – Adult Medicaid.
- **Michele Lawrence:** Ms. Lawrence, Librarian, introduced the members of her staff: Constantinos Loizou, Part-Time Library Technician who started September 16, 2019 and Elijah Young, Part-Time Library Technician who started October 1, 2019.

Chairman Nelson welcomed them to Perquimans County.

**SUSAN CHANEY, SOCIAL SERVICES DIRECTOR**

Ms. Chaney presented her monthly report.

**ALLISON PLATT, DESIGN CONCEPT FOR DOWNTOWN HERTFORD WATERFRONT**

Pamela Olivera introduced Ms. Platt who presented a PowerPoint presentation on the design concept for downtown Hertford Waterfront. After her presentation, she asked the Commissioners to adopt a resolution supporting the design concept for downtown Hertford Waterfront. Commissioner Jones stated that Resolutions are usually for legislative matters. Ms. Platt stated that this was mainly for applications for grant funding. On motion made by Alan Lennon, seconded by Charles Woodard, the Board unanimously approved the following Resolution:

**RESOLUTION SUPPORTING A DESIGN CONCEPT FOR  
THE HERTFORD DOWNTOWN WATERFRONT**

**WHEREAS**, the 2019 Electricities Strategic Plan for the Town of Hertford identified “the need to leverage the location and beauty of the downtown waterfront” as one of the four major goals in its Strategic Plan Summary; and

**WHEREAS**, the waterfront was first on the list of Hertford’s identified strengths in the SWOT analysis contained in the Strategic Plan; and

**WHEREAS**, the strategy for leveraging Hertford’s waterfront in the Strategic Plan called for a combination of public and private investment; and

**WHEREAS**, Allison Platt, Senior Landscape Architect, Project Manager for Rivers and Associates was engaged to identify and propose a plan in concept to address the highest and best use of the Town’s underutilized assets in support of the Strategic Plan; and

**WHEREAS**, Allison Platt subsequently identified Hertford’s waterfront as one of the Town’s most underutilized assets and developed a plan in concept which would create a joint venture between public (the Town) and private investment which addresses potential use by citizens of Hertford as well as visitors, as suggested in the Strategic Plan; and

**WHEREAS**, the plan as developed by Allison Platt for the waterfront has been presented to the Perquimans County Board of Commissioners; and

**WHEREAS**, the Perquimans County Board of Commissioners supports the resolution as passed by the Town Council of Hertford, a copy of which is attached; and

**NOW, THEREFORE, BE IT RESOLVED THAT:** The Perquimans County Board of Commissioners supports all efforts to implement the plan in concept as developed and presented by Allison Platt.

Adopted this 4<sup>th</sup> day of November, 2019.

\_\_\_\_\_  
Wallace E. Nelson, Chairman  
Perquimans County Board of Commissioners

ATTESTED:

\_\_\_\_\_  
Mary P. Hunnicutt, Clerk to the Board  
Perquimans County Board of Commissioners

**SEAL**

**COMMISSIONER’S CONCERNS/COMMITTEE REPORTS**

There were no commissioner’s concerns/committee reports.

**UPDATES FROM COUNTY MANAGER**

County Manager Heath presented the following updates:

- **ALS Resolution:** Mr. Heath explained that, at their previous meeting, the Board adopted a Resolution requesting that the State research the large number of cases of ALS in Perquimans County. As a result of this Resolution, we have had contact with several individuals from the State in the Genealogy Department, Zack Moore and Ken Gates. The next step will be to have Ashley Stoop of ARHS and himself to update the ALS Chapter meeting on November 18, 2019. This may result in an ALS Task Force comprised of members from Perquimans County, Albemarle Regional Health Services, and the local ALS Chapter in the State of North Carolina so that we can keep them informed of their findings.

- **Census Complete County Committee:** Mr. Heath reported that Committee held it's training on October 11, 2019. The County will work with this Committee to make sure that all the individuals in Perquimans County are counted for the census and to get the word out on the upcoming Census.
- **Multi-Mobile Transportation Meeting:** Mr. Heath reported that this group, which consists of professors from NC State, officials from NCDOT, and Perquimans County representatives, came and toured the Marine Park on October 23, 2019. They made several good contacts from this meeting to assist with getting the Marine Park started.
- **State Public Assistance Meeting for Hurricane Dorian:** Mr. Heath met with individuals on October 30, 2019 to discuss financial assistance for personnel time spent and property damage from Hurricane Dorian. Board will be asked to approve documentation later in the meeting to apply for these funds.
- **Meeting with Dave Goss, Senator Tillis, and Mr. Heath:** Mr. Heath reported that he and Dave Goss met with a representative from Senator Tillis' Office last Friday to discuss the funding for the Marine Park from the federal level of government.
- **Marine Park/Basin:** Mr. Heath reported that the CAMA permits for the Marine Park Basin expire at the end of this year. The County has prepared documents to transfer the property back to Perquimans County and applied for the extension of these permits.
- **Benefit for Bill Jennings:** Mr. Heath explained that they are holding a "Battle for Bill Benefit" tomorrow from 11:00 a.m. through 7:00 p.m. This is to assist with medical bills for Bill Jennings, Tax Administrator, who is battling cancer. He encouraged the Board and public to participate in this event. It will be fried pork chop plates and they can be picked up at the Winfall Ballpark or at Gibson Service Station by Little Caesar's parking lot in Elizabeth City.

#### APPOINTMENTS: COMMUNITY ADVISORY COMMITTEE

Chairman Nelson asked Mary Hunnicutt, Clerk to the Board, if we had received any applications for these two vacancies on this Committee. Ms. Hunnicutt reported that she only had one phone call about it and it was from a county employee. She sent the employee information about the Committee but has not heard back from her. It was the consensus of the Board to have Ms. Hunnicutt readvertise for these vacancies.

#### PLANNING ITEM: REZONING REQUEST NO. (PUD) REZ-19-01, REQUESTED BY PERQUIMANS DEVELOPMENT, LLC

Chairman Nelson reported that the Public Hearing was held earlier in the meeting for the Rezoing Request No. (PUD) REZ-19-01, requested Perquimans Development, LLC. Mr. Nelson explained that there are several steps to the approval this request. The first step is to approve or deny the rezoning request. County Manager Heath explained that we first needed to find that the proposed rezoing request is or is not consistent and in harmony with the county comprehensive Land Use Plan existing development pattern and state why it is or is not consistent and in harmony. This part is legislative procedure of the approval. Mr. Heath further explained that, when the Board goes to approve the Conditional Use Permit part of the request, we would need to follow quasi-judicial procedures. Chairman Nelson stated that language for the part of the request that commercial property would not be adjacent to the historic home and church needs to be provided for the motion. Chairman Nelson opened it up for some discussion and we will need a motion to approve or deny the request. T. Kyle Jones made a motion to find that the proposed Rezoning No. (PUD) REZ-19-01 is consistent and in harmony with the county comprehensive Land Use Plan existing development pattern and stated that he needed the wording for the part the Chairman Nelson mentioned. County Manager Heath and County Attorney High stated that the item regarding the historic home and church will be part of the conditions of the Conditional Use Permit part of this request and would not need to be voted on it at this time. What Mr. Jones needs to include is the reason why this request is consistent and in harmony with the CAMA Land Use Plan. He added the following to his motion: this request is consistent and in harmony because the proposed PUD area of Exhibit IX-B – 'Projected Future Land Use Unincorporated Portions of Perquimans County' shows a dotted red PUD line surrounding the parcels in question and the CAMA Land Use Plan (LUP) allows a Planned Unit Development (PUD) to contain "any combination of uses, permitted and conditional" plus shows *Commercial* as well as Public/Semi-Public/Religious as conditional consistent in the Future Land Use Compatibility Matrix on Page IX-35. The motion was seconded by Alan Lennon. Chairman Nelson asked if there were any questions or comments on the rezoning. County Manager Heath reminded them that the motion on the floor was for the consistency and in harmony with the Land Use Plan. The rezoning approval will come later. County Attorney High stated the he wanted to Board to understand that this is a two part process tonight. County Manager Heath stated that there will be three motions made on this tonight. Mr. High concurred. With all that said, Chairman Nelson asked if there was any discussion on the consistency statement of this request. Commissioner Jones stated that the Board recently approved Dollar General for that area which is similar to this request but not as built up as this will be. Chairman Nelson stated that the land around this parcel is residential (Albemarle Plantation & Holiday Island) and on one side it is agricultural (farmland) so this will be consistent and in harmony with the Land Use Plan. There being no further questions or discussion, the Board unanimously approved the motion.

Chairman Nelson moved to the Rezoning Approval of the Rezoning Request No. (PUD) REZ-19-01. County Attorney High explained the procedure as to how the Board needed to move forward with taking action on this request. This will require two motions. The Board will need to have a rational basis for approving the motion. Mr. Heath explained that the first motion is a legislative procedure, but the second motion will be a quasi-judicial procedure. The individual making the motion will need to site the findings. Alan Lennon made a motion to approve the Rezoning Request (PUD) REZ-19-01(a) to rezone from RA, Rural Agricultural to PUD(CU), Planned Unit Development Conditional Use District, the +/- 1,497 acre property located at Tax Parcel Numbers 2-0073-0022, 2-0073-0003C, 2-0073-0001, 1-0073-0021, 2-0073-0020B, 2-0073-0020A, 2-0073-0020, 2-0082-0012, 2-0082-0013BBB, 2-0082-0013AAA, 3-0083-0013A, and 2-0082-014A, incorporating the Table of Findings as listed below to support the motion:

1. The proposal will place all property similarly situated in the same category, or in appropriate complementary categories.
2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements and not merely uses which applicants state that they intend to make the property involved).
4. There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
5. The proposed change is in accord with the Land Use Plan and sound planning principles.

The motion was seconded by Joseph W. Hoffler. Chairman Nelson asked the Board if there were any questions or comments about this Rezoning Request. County Attorney High asked if anyone had any specific reasons as to why this would be beneficial to the County. The following comments were made:

- **Alan Lennon:** Mr. Lennon said that there would be more availability of housing and it would contribute to our economic development.
- **Wallace Nelson:** Mr. Nelson stated that it would grow the residential area.

County Attorney High asked if anyone had any specific reasons as to why this would not be beneficial to the County. The following comment was made:

- **Wallace Nelson:** Mr. Nelson stated that we already have some commercial development there and the PUD had already been approved before but had expired. He does not foresee any problems with the approval.

County Attorney High then asked if any of the Commissioners felt that this rezoning would adversely affect the neighborhood. The following comments were made:

- **Alan Lennon:** Mr. Lennon said that, according to the application, it would be in harmony with the surrounding areas.
- **Wallace Nelson:** Mr. Nelson said that, in his opinion, it would be complimentary to the land.

County Attorney High said that they had already had a discussion about it being in accordance with the Perquimans County Land Use Plan. Mr. High said that, having all the Commissioners present at this time, the Chairman could call for a vote. Mr. Nelson asked if there were any further comments or questions. Commissioner Jones asked Mr. High when is the appropriate time to ask about the water capacity in that area with the addition of this PUD. Mr. High explained to Mr. Jones that this was a good time to ask it since we are in an informal setting. Mr. Jones asked Mr. Heath how many units our current water system will handle. Mr. Heath said that is it 120 lots right now. He further explained that a simple change of connection in the Belvidere area could increase it by another 150 real quick. Mr. Jones asked if this was everywhere or just there. Mr. Heath explained that we have two plants – Winfall and Bethel. This would be service from the Bethel Plant. Mr. Jones wanted to clarify that this will be a gradual increase. It will not be all the lots at one time. Mr. Heath stated that this plan would give the County ample time to obtain water capacity as this project develops. Commissioner Woodard restated the information just to make sure they knew that we would have ample time to provide water to these lots as they progress through their development. Mr. Heath stated that is why they placed a condition in the Conditional Use Permit to allow the County time to provide the water at each phase. Chairman Nelson explained that, after the initial approval of the Albemarle Plantation plan, each expansion had to be brought before the Board for approval in sections. The second concern that Commissioner Jones had was the road situation. While Janice Cole was Chair of the Board, we asked NC Department of Transportation (NCDOT) to look at reducing the speed limit along Harvey Point Road due to the number of accidents. County Manager Heath stated that NCDOT did agree to place that road into the STIP (Secondary Transportation Improvement Program) so the funding of the modernization of Harvey Point Road has been accomplished at least for the six mile point from Church's Lane. This is assuming that the NCDOT will obtain more funding. There being no further questions or discussion, the Board unanimously approved the motion.

Chairman Nelson moved to the CUP approval which should be handled as a quasi-judicial procedure. County Attorney High stated that, since this is a more formal setting, we would need to obtain sworn testimony. Chairman Nelson swore in the applicant's witnesses that would give testimony on the following Table of Findings:

1. That the PUD will **not** materially endanger the public health or safety if developed according to the plan submitted and recommended;
2. That all uses approved **meet** the required conditions and specifications;
3. That the PUD will **not** substantially injure the value of adjoining or abutting properties, or that the approved uses are public necessities; and
4. That the location and character of the PUD if developed according to the plan **will** be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.

Commissioner Jones asked if a commissioner could waive the swearing in requirements and incorporate all the testimony for this purpose tonight. Mr. High stated that, should this matter be appealed in court, there would be a problem. The following individuals were sworn in: Bobby Masters, Developer/Applicant and Dave Klebitz, Engineer. Bobby Masters presented his testimony as follows:

- **Bobby Masters:** After thanking the Commissioners for allowing him to be here tonight to present this request, he began to respond to the five (5) findings as follows:
  - With regards to materially endangering the public health & safety, he submits that they have complied with this requirement with the extensive review with the County Planner, County Manager, Technical Review Committee, and the Planning Board. They have complied with the comments and suggestions which they considered and incorporated those requests into the Conditional Use Permit. The Planning Board approved their request October 8, 2019.
  - With regards to the required conditions and specifications, Mr. Masters addressed several items that they had concerns about: (1) Water Capacity – they understood the problem with the water capacity and worked out a plan with the County on phasing in the project; (2) Sanitary/Sewer – they worked out a contract with an Albemarle Utility Company to provide sewer service to the project and have proposed plans to expand their system for future growth; (3) Stormwater – they obtained all the engineering permits for stormwater, runoff, and retention issues for this area. As they move forward, they will be required to obtain technical permits from the State and the County before actually starting the project; (4) Fire & Safety – They have had a long discussion with the Fire Marshal regarding setbacks and worked through that hurdle; work with Fire Marshal regarding institute construction procedures; talked about residential sprinkler systems; (5) Roadways - their interior roads are designed to allow proper circulation throughout the project (egress & ingress); (6) Environment – they are well aware of weapons out on the property hand have a JD (Jurisdictional Weapon Delineation) for the US Army Corp of Engineers which requires them to adhere to all the rules & regulations of the Corp as well as the State & CAMA.
  - On value of adjoining or abutting properties, Mr. Masters said that they feel that what they are planning on doing here will enhance the value of the surrounding properties. They will be spending a significant amount of money in marketing to get the word out about this development.
  - With regard to the community being in harmony with the Perquimans County Land Use Plan, they feel that this community is an extension of the current Albemarle Plantation property and this will just enhance the value of the property.

- He provided a brief description and provided information about their company and how they want to preserve the land area and facilities.
- After his comments, he asked if there were any questions or comments regarding his testimony. Mr. High said that this was proper and allowed in the quasi-judicial hearing.
- \* **Alan Lennon:** Mr. Lennon stated that, on previous CUP applications, they had property appraisals from a licensed appraiser. He asked if they had one tonight for their property. County Attorney High explained that Dave Owens of the School of Government addressed that question several years ago when the Board was asking for assistance with the Wind Farm request. He basically told the Board that, since Perquimans County has always been more laid back than other counties, we could be relaxed on some of these matters. They could ask Mr. Masters how things worked with previous projects.
- \* **Joseph Hoffer:** Mr. Hoffer asked that, since they were going to spend a significant amount of money marketing this project, had they considered changing the name since the name Albemarle Plantation could be offensive to some people. Mr. Masters stated that this project is a separate project from Albemarle Plantation even though it is considered Phase II of Albemarle Plantation. This phase will have its own property owners association. Our residents will have access to the amenities of Albemarle Plantation but it will be a separate project. He further stated that they have thought about changing the name of the project to Albemarle Preserve.
- \* **Bobby Masters:** To answer Commissioner Lennon's question, Mr. Masters stated that, in his experience with projects similar to this, he has seen a great increase in the residential values of surrounding properties but could not testify for the agricultural values. He feels that it may go up since we are taking some of the agricultural property out of the mix which would increase the supply and demand. Because people hear about the project, they may come to look and fall in love with the area and might want to purchase another type of property in Perquimans County.
- \* **Charles Woodard:** Mr. Woodard asked how the property values have changed with the Albemarle Plantation Phase I properties. Mr. Masters stated that, even before their phase begins, they will be putting money into marketing the properties that they own in Phase I Albemarle Plantation. He also feels that things are picking up in Phase I.
- \* **Frank Heath:** Mr. Heath stated that Albemarle Plantation property owners comprise about 16% of the total tax value of Perquimans County. This shows how a similar development can potentially affect the tax value of the County.

Chairman Nelson asked if there were any further comments or questions for Mr. Masters. There being none, he recognized Dave Klebitz, Engineer. Chairman Nelson asked if Mr. Klebitz had anything else to add to Mr. Masters comments. Mr. Klebitz stated that he was here to answer any questions regarding the conditions and to make sure that they are doing everything in accordance with the County's ordinance. He also was here in case Mr. Masters could not answer any technical questions from the Board. County Attorney High stated that Mr. Klebitz could talk about working with Rhonda Money, Planner/GIS Mapper, who presented the items of concerns that they had. Since Ms. Money was not sworn in, the Board could chose to swear her in to testify to how they worked out the issues on this application. After this short discussion, Mr. Klebitz began his testimony.

- **Dave Klebitz:** After reviewing his experience and training, Mr. Klebitz stated, before and after the Planning Board meeting, he along with Mr. Heath reviewed each of the conditions in the Conditional Use Permit which was presented to them tonight in their Agenda Packet. They discussed issues like water, traffic, septic system, and setbacks. He will not review them any further and feel that the County and his client are in agreement they are in accordance with the County's ordinances. This is a Master Plan so they can only talk generally and preliminarily. Each section will be brought back to the Board of Commissioners for approval and, at that time, they could talk more specifics. This concluded Mr. Klebitz's comments and there were no questions/comments from the Board.

County Attorney High stated that, to make sure the circle is complete, he was going to ask Rhonda Money to be sworn in to briefly repeat some of her comments regarding conditions and specifications, under oath. Chairman Nelson swore Ms. Money in and she made the following comments:

- **Rhonda Money:** As far as meeting the requirements, the best thing she could say was that she had spent months and months going over rule and regulation pages of documents. It took about three different tries to get all the information into the conditional use permit to comply with the County's ordinance. Mr. Heath asked Ms. Money if the application is potentially complete and that it complies with the County's ordinance. Ms. Money said that it was and that it complies with the ordinance.

Chairman Nelson asked if she had anything else to add. Ms. Money said that she did not. Mr. Nelson said that, at this point, the Board can consider a motion to make a recommendation on the Rezoning Request (PUD) REZ-19-01(a) based on the four findings listed above. T. Kyle Jones made a motion to approve Rezoning Request (PUD) REZ-19-01(a), to rezone from RA, Rural Agriculture to PUD(CU, Planned Unit Development Conditional Use District, the +/-1,497 acre property located at Tax Parcel numbers 2-0073-0022, 2-0073-0029, 2-0073-0003C, 2-0073-0001, 2-0073-0021, 2-0073-0020B, 2-0073-0020A, 2-0073-0020, 2-0082-0012, 2-0082-0013BBB, 2-082-0013AAA, 2-0082-1013A, and 2-0082-0014A, conditioned upon the conditions listed in the Conditional Use Permit changing Condition #7 to read as follows:

- 7) *No commercial development is allowed on the parcels adjoining the intersection of Church Lane and Harvey Point Road, specifically adjacent to the New Haven Baptist Church and any historical properties located adjacent.*

and adopting the following Policy Guidelines to support the motion:

1. That the PUD will **not** materially endanger the public health or safety if developed according to the plan submitted and recommended; *Commissioner Lennon – adding fire and police protection and their infrastructure additions; Chairman Nelson – he agreed with Mr. Lennon; Frank Heath – Staff and TRC approved it.*
2. That all uses approved **meet** the required conditions and specifications; *County Attorney High stated that, with the testimonies of Mr. Masters, Mr. Klebitz, and Ms. Money, this requirement has been satisfied.*
3. That the PUD will **not** substantially injure the value of adjoining or abutting properties, or that the approved uses are public necessities; and *Mr. Masters' testimony satisfied this requirement and there were no other testimony against this guideline. County Attorney High stated that, with the weight of the evidence presented, this guideline was satisfied.*
4. That the location and character of the PUD if developed according to the plan **will** be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan. *Chairman Nelson stated that the Land Use Plan already allows it; it is in conformity; it is in harmony with Albemarle Plantation – Phase I and with the Holiday Island developments; Commissioner Lennon stated that this project had already been approved but had expired before development was started.*

The motion was seconded by Alan Lennon. County Attorney High asked that, even though it may be redundant, the Board should go through each guideline and state why they feel that this project is in compliance. The Board discussed the guidelines and their comments are in *red* above. Chairman Nelson asked if there were any further questions or comments. There being none, the Board unanimously approved the Rezoning Request (PUD) REZ-19-01(a) (*See Attachment A*).

**HURRICANE DORIAN DOCUMENTATION**

Chairman Nelson recognized County Manager Heath who presented the two documents for Board approval. Mr. Heath stated that he had mentioned earlier in the meeting that they would have documentation to approve to obtain reimbursement funds from Hurricane Dorian. The purpose of the Resolution is to Designate Applicant's Agent to appoint individuals to complete paperwork and applications for these funds. The Applicant Disaster Assistance Agreement is the State Agreement providing the requirements to apply for these funds. On motion made by Alan Lennon, seconded by Charles Woodard, the two documents for Hurricane Dorian Reimbursement funds were unanimously approved by the Board:

**PUBLIC COMMENTS**

There were no public comments.

**CLOSED SESSION: CONSULT WITH ATTORNEY REGARDING ACQUISITION OF REAL PROPERTY & CLOSED SESSION MINUTES**

Pursuant to NC General Statute 143-318.11(3), Fondella A. Leigh made a motion to go into Closed Session to consult with attorney regarding acquisition of real property and to approve closed session minutes. The motion was seconded by Charles Woodard and unanimously approved by the Board.

The Closed Session was adjourned and the Regular Meeting reconvened on motion made by Fondella A. Leigh, seconded by Charles Woodard, and unanimously approved by the Board.

**SCHOOL WALK THROUGH**

County Manager Heath stated that the Board had discussed doing a walk-through of all the schools in the school system. The Board of Education has provided December 9<sup>th</sup> and 11<sup>th</sup> as dates to have the walk-through. He asked the Board members to check their calendars to see if these dates would be okay. They will be from 5:00 p.m. to 7:00 p.m. each evening. They will walk through two schools a night. He asked the Board to let him know as soon as possible.

**ACTION FROM CLOSED SESSION**

On motion made by Charles Woodard, seconded by Joseph W. Hoffer, the Board authorized County Manager Heath to negotiate with Trillium to purchase the Albemarle Mental Health Building located behind the Albemarle Commission Building.

**ADJOURNMENT**

There being no further comments or business to discuss, the Regular Meeting was adjourned at 9:15 p.m. on motion made by Charles Woodard, seconded by T. Kyle Jones.

\_\_\_\_\_  
Wallace E. Nelson, Chairman

\_\_\_\_\_  
Clerk to the Board

\* \* \* \* \*

**ATTACHMENT A**

Do NOT record this page

-Beginning of Proposed Conditional Use Permit No. (PUD)REZ-19-01  
to be recorded by Perquimans Development, LLC

To

**Rezone approximately 1,497 acres** extending northeast from Holiday Lane, crossing Harvey Point Road, continuing northeast to the Perquimans River; all of which is south of Church Lane and Halsey Bay Road and west/northwest of Goose Nest Lane, **from (RA) Rural Agriculture to [PUD(CU)] Planned Unit Development Conditional Use District**. Subject property is also known as Tax Parcel Nos. 2-0073-0022, 2-0073-0029, 2-0073-0003C, 2-0073-0001, 2-0073-0021, 2-0073-0020B, 2-0073-0020A, 2-0073-0020, 2-0082-0012, 2-0082-0013BBB, 2-0082-0013AAA, 2-0082-0013A, and 2-0082-0014A.

*This document reflects changes made at the October 8, 2019 Planning Board meeting, comments made by the applicant, and changes made at the November 4, 2019 Board of County Commissioner meeting.*

16 acres northwest of Church Ln/Harvey Point Rd intersection were removed from PUD request.

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**CONDITIONAL USE PERMIT No. (PUD) REZ-19-01  
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On the date(s) listed below, the Board of Commissioners for Perquimans County met and held a public hearing to consider the following application:

**Authorized Applicant: Perquimans Development, LLC  
c/o Robert Masters  
11675 Rainwater Drive, Suite 210  
Alpharetta, GA 30009**

**Property Owners:** Perquimans Development, LLC  
11675 Rainwater Drive, Suite 210  
Alpharetta, GA 30009

**Site Location:** Approximately 1,497 acres extending northeast from Holiday Lane, crossing Harvey Point Road, continuing northeast to the Perquimans River; all of which is southeast of Church Lane and Halsey Bay Road and west/northwest of Goose Nest Lane

**Tax Parcel Nos:** 2-0073-0022, 2-0073-0029, 2-0073-0003C, 2-0073-0001, 2-0073-0021, 2-0073-0020B, 2-0073-0020A, 2-0073-0020, 2-0082-0012, 2-0082-0013BBB, 2-0082-0013AAA, 2-0082-0013A, and 2-0082-0014A

**Zoning District:** PUD (CU), Planned Unit Development Conditional Use District

**Proposed Use of Property:** A form of development usually characterized by a unified site design for a number of housing units, clustering buildings, providing common open space, density increases, with a potential mix of building types and land uses. As stated by the Applicant in the CUD Rezoning Request Application Statement of the Nature of the Proposed Use:

*“The goal of Albemarle Plantation Phase 2 is to build a community that has a creative design, providing a mix of different residential uses in close proximity to one another, while at the same time providing an efficient use of open space that promotes an active lifestyle and a strong sense of community. A high level*

**CONDITIONAL USE PERMIT No. (PUD) REZ-19-01**  
**Page 2 of 10**

*of amenities is proposed to meet the needs of the residents....The river front facility is expected to include a marina with boat launch, docks and pier, a boutique hotel, a clubhouse with bar and grill and café, an event lawn for outdoor events and an outdoor terrace. The amenity area south of Harvey Point Road is proposed to include a crystal lagoon, a tennis complex, a club house with activity room, meeting areas and offices, a second bar/grill and café area, and an additional outdoor lawn and event space. Higher density condominium and townhome areas are proposed to be near to the amenity areas.”*

**Meeting & Hearing Dates:** Planning Board on 10-8-2019; & Board of County Commissioners on 11-4-2019.

Now therefore be it resolved that the Perquimans County Board of Commissioners approves the application for Perquimans Development, LLC case number (PUD) REZ-19-01, subject to the following conditions:

Having heard all the evidence and argument presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to *Planned Unit Development* and other conditions as follows:

**A. General Land Use:**

- 1) Perquimans County (County) has the right to limit the number of lots and housing for each section/phase based on water availability.
- 2) County may limit lots less than 15,000 square feet based on the conceptual Master Plan as presented (Bissell Professional Group, July 30, 2019 last revision; stamped by County Planning as received Aug 2, 2019. Rendered Master Plan prepared by Koontz Jones Design); Maximum quantities of each lot width (35’ to 75’) shall be restricted to maximum proposed amounts of each lot type/width category presented on the previously noted conceptual Master Plan.

- 3) The developer must obtain approval for all sections and/or phases by the Planning Board and Board of Commissioners for approval under the normal review and approval process of the Subdivision Regulations.
- 4) Each section and/or phase must adhere to the current Subdivision Regulations and State Regulations in effect at the time that particular phase is approved, including, among others, subject to any water capacity or availability restrictions that are in place at the time of approval.
- 5) Up to 80 rooms cumulative allowed in the proposed hotel. Hotel shall have a maximum of 3 stories and/or 35 feet in height.
- 6) A minimum 50 foot vegetative buffer is required on properties adjacent to agricultural land, residential land and properties owned by the Department of Defense.

**CONDITIONAL USE PERMIT No. (PUD) REZ-19-01**  
**Page 3 of 10**

- 7) Principle structure and accessory structure yard setbacks for lots less than 15,000 square feet or less than (ninety) 90 feet wide shall be: (fifteen) 15 feet for front and rear yards, (ten) 10 feet for side yards and 10 feet on secondary front yards which abut a side street at a corner. Exceptions of (five) 5 foot side yard setbacks may be made on lots (fifty) 50 feet wide or less. Any lot with less than 10 foot setbacks will require fire protection measures such as fire retardant walls and/or a sprinkler system in consultation with the County Fire Marshal.
- 8) Maximum number of single-family residential lots shall be based on the conceptual Master Plan as presented.
- 9) Per County Zoning Ordinance Section 1503(h), At least 150 acres of the development shall be set aside as common area or open space. Of this 150, a maximum of 75 acres may be areas covered by water. In addition, a maximum of 75 acres may be covered by structures clearly ancillary to the recreation or common use area. Such structures may include tennis courts, pro shops, swimming pools, and the like. Common area/open space shall be designated on the development plats as such and be held in separate ownership for the use and benefit of the residents of the PUD.
- 10) Public beach/common water access for all PUD property owners shall be established.
- 11) No ABC store allowed.
- 12) General retail/commercial space is allowed.

**B. Drainage/Stormwater Improvements:**

The terrain is rolling with many low depressions; therefore drainage problems can be significant if a drainage plan is not provided. Major creeks and drain-ways are being crossed in the expansion. Evaluations must be made to insure that drainage problems do not develop upstream as a result of these crossings. These changes are not reflected on the soils maps because they are classified as inclusions and are not shown on the scale of map used.

- 1) A topographic survey on one foot contours shall be used for development.
- 2) A drainage plan, predicting surface water elevations occurring throughout the subdivision for various storms shall be presented to the County prior to final plat approvals by Planning Board.
- 3) All living space floor-level elevations should be based on the surface water profile predictions, with special emphasis placed on any slab construction.

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- 4) All drainage ditches, and major drain-ways should be protected by easements. Major ditches that are traversing platted areas should have side slopes as determined by county staff, to allow mowing and to prevent landowners from filling and obstructing ditches.

- 5) Prior to Final Plat an Engineered drainage plan with one-foot contours, ditch or swale layouts with pipe, and showing the flow rates, shall be provided by Applicant and reviewed by County.
- 6) The Applicant, heirs and assigns shall submit a NC Department of Environmental Quality Stormwater Permit prior to Final Plat approval.
- 7) Applicant heirs and assigns shall provide a NC Department of Environmental Quality letter of approval for an Erosion and Sedimentation Control Plan prior to Final Plat approval.

**C. Emergency Services:**

- 1) An additional Helicopter Landing Zone shall be assigned close to Harvey Point Road to serve that side of the development and surrounding areas. The Landing Zone shall be large enough to accommodate Coast Guard helicopters as well. Exact location can be determined at a later time in coordination with Perquimans County Planning/GIS staff and Emergency Services staff.
- 2) A water source shall be provided for fire protection of boats at the marina.
- 3) Alleyways need to meet NC DOT minimum width of an unobstructed 12-14 feet. Residents shall not be allowed to park in alleys; no water utilities shall be located in the alleyways; proper ingress/egress for emergency vehicles shall be designed for, including proper turn-arounds (if not a “thru street”) in coordination with County Emergency Services staff.
- 4) Commercial multi-story buildings that have an elevator shall have an elevator large enough to accommodate a stretcher.
- 5) Height of Commercial buildings limited to 35 feet and/or three (3) stories.
- 6) If a bridge is built over Minzie’s Creek it shall be constructed to NC DOT standards and shall accommodate fire trucks.
- 7) Applicant, heirs and assigns shall accommodate and support and hold training sessions for emergency service personnel if requested by the Emergency Services Director with adequate advanced notice.

**CONDITIONAL USE PERMIT No. (PUD) REZ-19-01**

**D. Transportation:**

- 1) A traffic impact analysis shall be reviewed by NCDOT and a report provided to be considered by the Board of County Commissioners prior to Preliminary Plat Approval. Any necessary adjustments to the Conditional Use Permit, site Plan and/or offsite improvements as needed to abate impacts to public facilities will be the responsibility of the Developers, their heirs and assigns, with the County determining the timing of such improvements.
- 2) All roads will be designed and constructed in accordance with NCDOT subdivision standards with no road less than 20 feet wide, exclusive of shoulders per NC Fire Code. Fire apparatus access roads must meet weight capacity requirements of NC Fire Code. Commercial cul-de-sacs shall have a minimum 96 ft. diameter per NC Fire Code. Diameter may be adjusted by Fire Marshal at preliminary plat submittal based on equipment and construction.
- 3) No on-street parking allowed. Each residence will be required to have enough off street parking for at least 2 vehicles.
- 4) Prior to accessing SR 1336, Harvey Point Road, or SR 1347, Holiday Island Road, or SR 1429, Holiday Lane a Driveway Permit must be approved by NC DOT.
- 5) Per County Zoning Ordinance Section 1503(c), Points of ingress and egress shall be approved by the Board of County Commissioners and minimize traffic hazards, inconvenience, and congestion.

- 6) Per County Zoning Ordinance Section 1503(f), Parking areas shall have a parking surface meeting the standards of Article XIX "Parking and Loading" and all parking areas and traffic lanes shall be clearly marked.

**E. Utilities:**

- 1) All water lines must be approved by both the State of North Carolina and Perquimans County.
- 2) Hydrant locations shall be every 1,000 feet and no more than 500 feet from any lot. All hydrants must be supplied with a 5 inch storz adapter on the steamer connection or other suitable connection determined after consultation with the local fire department prior to installation.
- 3) The applicant will need to install a water line at least 6 inches in diameter that will supply a minimum of 500 gallons per minute at 20 psi residual pressure to each hydrant. Applicant shall supply a minimum of 1,000 gallons per minute at 20 psi residual for commercial areas, marina areas, and areas with side setbacks less than (ten) 10 feet.

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- 4) The design and estimated construction cost of any additional elevated water tanks that Perquimans County deems may be needed shall be paid for by the developer prior to final plat approval of additional lots that the elevated tank may service. Construction estimates and actual tank design shall be performed by Perquimans County and in consultation with the developer.
- 5) The existing Perquimans County Water System will be tested and/or modeled by Perquimans County to determine if any upgrades to the water mains or other parts of the existing water system need to be made to provide domestic and fire flow capabilities to Albemarle Plantation Phase 2 planned unit development. Modeling of the proposed water system within Albemarle Plantation Phase 2 will be the responsibility of the developer and shall be submitted to Perquimans County for approval. All improvements to the existing county water system deemed necessary by Perquimans County, and in consultation with the developer, to provide domestic and fire flow capabilities shall be made by Perquimans County and paid for by the developer.
- 6) Any water distribution system within Albemarle Plantation Phase 2 will be constructed by the developer at the developer's expense in accordance with the approved model described in item 5 above, Perquimans County standard specifications and applicable regulatory agencies. Water will be provided by Perquimans County Water System in accordance with available capacity which is not committed at this time. Any commercial or residential irrigation systems initially or in the future in this Albemarle Plantation Phase 2 PUD shall be constructed in accordance with all applicable North Carolina General Statutes and Perquimans County Policies.
- 7) Wastewater System -- Detailed engineering drawings and an appropriate description of the proposed wastewater collection, treatment and disposal systems will be submitted by the Applicant with the Final Plat for review and approval. Any operational and maintenance agreements with the Developer's or the Homeowners Association's operator or other contracted operator will be submitted for review and approval by the County prior to Final Plat approval. Proof of an appropriate security bond for wastewater infrastructure submitted to the State Utility Commission will be required prior to Final Plat approval.
- 8) Perquimans Development, LLC/Applicant/Developer will be responsible for the installation of a community sewer collection system and treatment and disposal facilities in accordance with applicable regulatory agencies. Albemarle Utility Company will be responsible for operation and maintenance of the community sewer collection system and treatment and disposal facilities. Any ownership transfer of the system or facilities will be in accordance with applicable regulatory agencies and approved by the Board of County Commissioners.
- 9) Approval/permits as required by NCDEQ for central wastewater treatment plant and disposal system shall be provided.

- 10) All utilities will be underground.

**CONDITIONAL USE PERMIT No. (PUD) REZ-19-01**  
**Page 7 of 10**

**F. Plat Approvals & Master Plan Amendments:**

- 1) Prior to approval of a Preliminary Plat, the Developer shall obtain County Attorney approval of the Articles of Incorporation for the Property Owners Association or Homeowners Association and Restrictive Covenants for Albemarle Plantation Phase 2 PUD. Property Owners Association documents shall include provisions for (a) the organizational and operational structure of the Property Owners Association; (b) that all owners of property within the development share automatic membership rights and assessment obligations for the maintenance of commonly owned areas (including but not limited to common areas, areas for infrastructure, recreation areas, private roads and parking lots). The automatic membership rights and assessment obligations of all property owners within Albemarle Plantation Phase 2 PUD shall be so covered by covenants running with the land and other contractual provisions so as to ensure the property maintenance of all commonly owned areas, and shall include provisions for liens against individual property owners within the development.
- 2) Accompanying an Application for Preliminary Plat approval, the Developer shall make a payment to Perquimans County, in an amount determined to be appropriate by the County Manager, to allow the County to retain professional engineering services to review the adequacy of plans and installation of water system, wastewater system, roads, stormwater drainage and other required infrastructure. Also the Developer shall pay the County a System Development Fee as shown in the Perquimans County fee schedule upon each phase's lot recordation.
- 3) The Property Owners Association shall be established prior to approval of the Final Plat and shall be registered/chartered by the Secretary of State with official Articles of Incorporation. In addition, official Bylaws and the organizational/operational structure shall be recorded simultaneous to the Final Plat.
- 4) Prior to issuance of the first building permit for construction of any structure in Albemarle Plantation Phase 2 PUD, all infrastructure (roads, water, sewer, drainage, with the exception of asphalt pavement) located within the boundaries of a given phase shall be complete and in place.
- 5) Per County Zoning Ordinance Section 1508, Planning Board approval is required for the following: (a) Changes in major infrastructure features referred to the Board of County Commissioners by the Planning Director. (b) Changes to the Master Plan that result in increased density. (c) Significant changes in land use.
- 6) Annual Reports: The Planning Board and Board of County Commissioners hereby acknowledge the Applicant's intent to start construction of the PUD in 2021. During construction of the project, the Applicant, heirs and assigns shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. In the event start of construction will be delayed beyond December 31, 2021, the Applicant, heirs and assigns shall formally request an extension be granted by the Board of County Commissioners (BCC); otherwise the BCC may revoke the Conditional Use Permit.

**CONDITIONAL USE PERMIT No. (PUD) REZ-19-01**  
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- 7) No commercial development is allowed on the parcels adjoining the intersection of Church Lane and Harvey Point Road, specifically adjacent to the New Haven Baptist Church and any historical properties located adjacent.

If any of the conditions affixed hereto or any part thereof shall be held invalid by a court or void without remedy, then this permit shall be void and of no effect.

**CONDITIONAL USE PERMIT No. (PUD) REZ-19-01**  
**Page 9 of 10**

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the authorized applicants, agents, representatives, or property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

\_\_\_\_\_  
Wallace Nelson, Chair, Board of Commissioners Date

Attest: \_\_\_\_\_ (Seal)  
Mary P. Hunnicutt, Clerk to the Board Date

-----  
I (We), \_\_\_\_\_, authorized Applicant(s) of the above identified property, do/does hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

\_\_\_\_\_  
Perquimans Development, LLC Date

By: \_\_\_\_\_, Its \_\_\_\_\_

-----  
The State of \_\_\_\_\_  
\_\_\_\_\_  
County

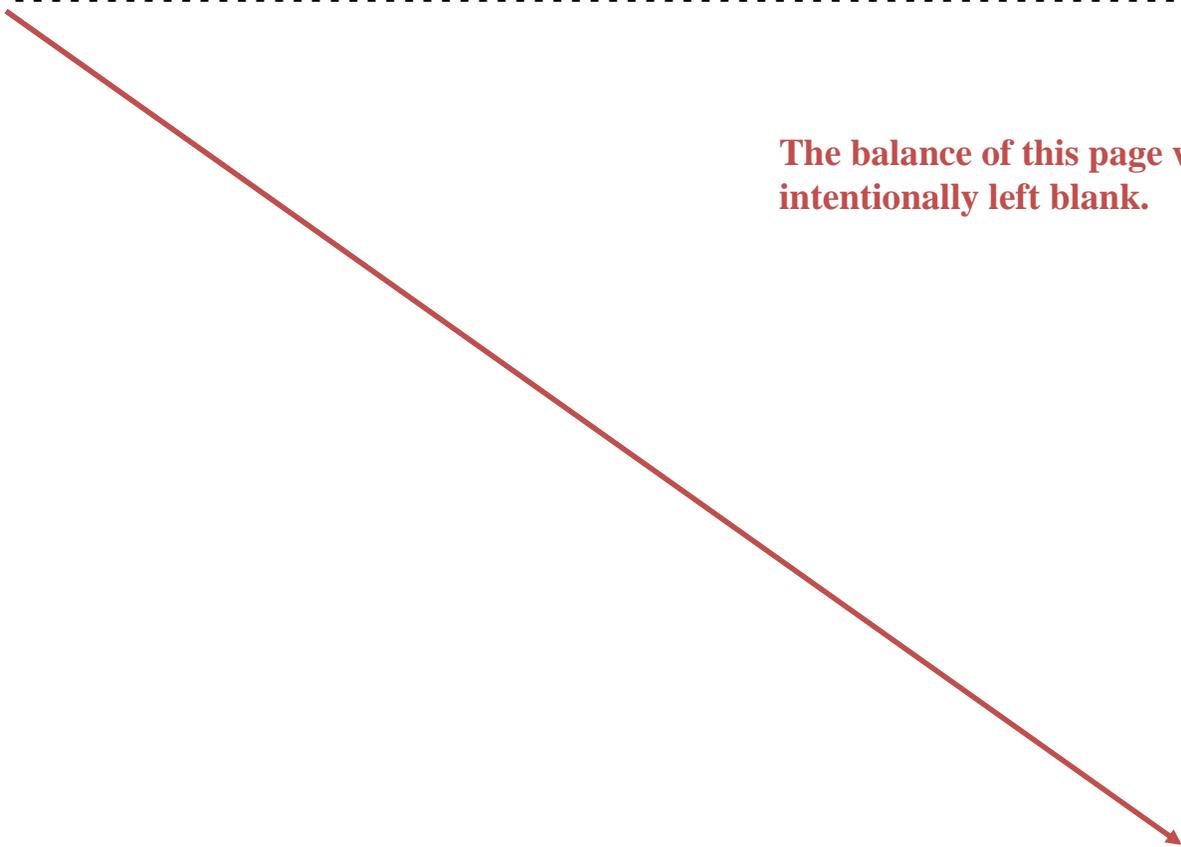
I, \_\_\_\_\_, a Notary Public in and for the said State and County, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

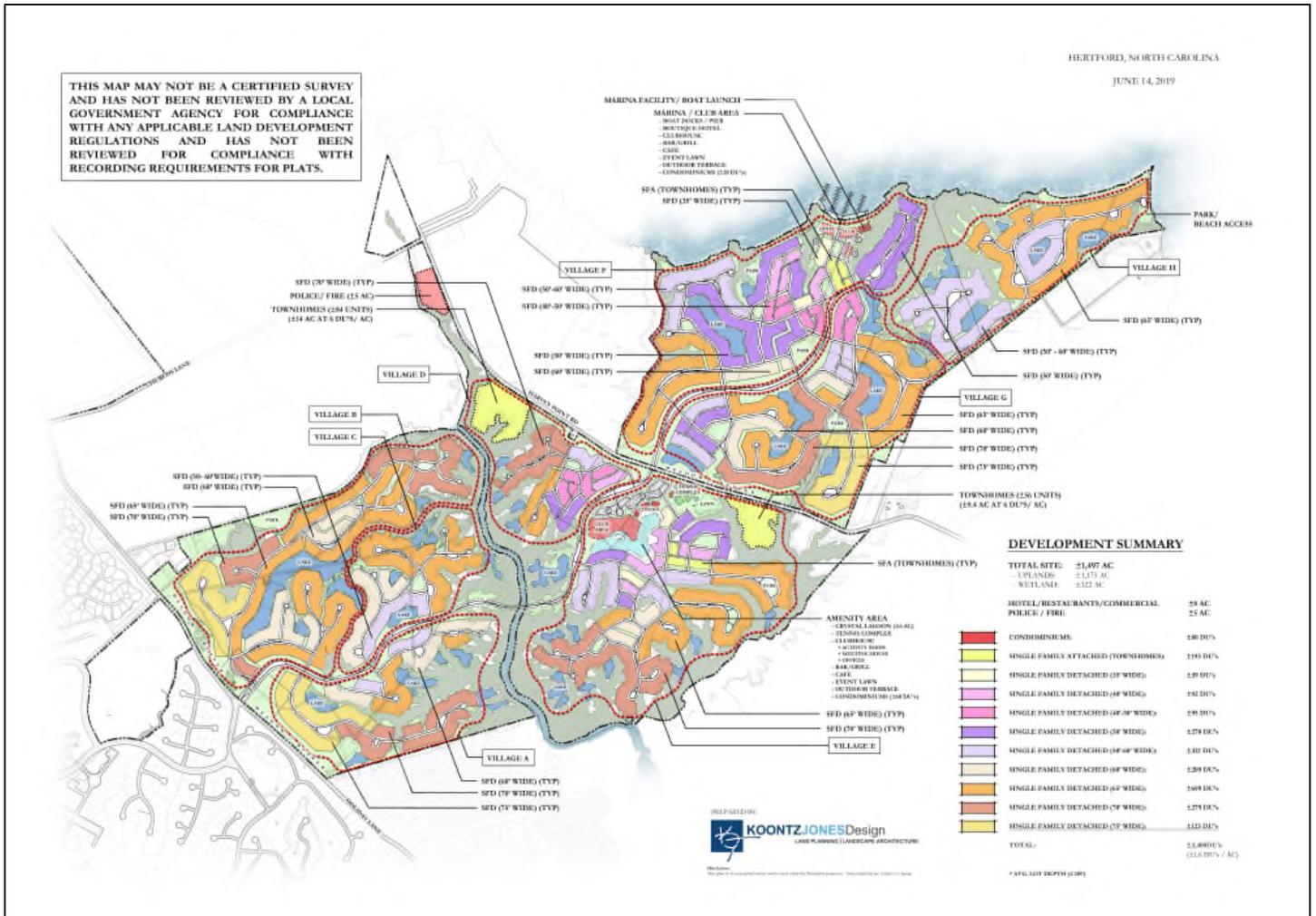
\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
(Not valid until fully executed and recorded)

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**CONDITIONAL USE PERMIT No. (PUD) REZ-19-01**  
**Page 10 of 10**



Do **NOT** record this page

- End of Proposed Conditional Use Permit No. (PUD) REZ-19-01  
 to be recorded by Perquimans Development, LLC

To

Rezone approximately 1,497 acres extending northeast from Holiday Lane, crossing Harvey Point Road, continuing northeast to the Perquimans River; all of which is south of Church Lane and Halsey Bay Road and west/northwest of Goose Nest Lane, from (RA) Rural Agriculture to [PUD(CU)] Planned Unit Development Conditional Use District. Subject property is also known as Tax Parcel Nos. 2-0073-0022, 2-0073-0029, 2-0073-0003C, 2-0073-0001, 2-0073-0021, 2-0073-0020B, 2-0073-0020A, 2-0073-0020, 2-0082-0012, 2-0082-0013BBB, 2-0082-0013AAA, 2-0082-0013A, and 2-0082-0014A.

*This document reflects changes made at the October 8, 2019 Planning Board meeting, comments made by the applicant, and changes made at the November 4, 2019 Board of County Commissioner meeting.*

16 acres northwest of Church Ln/Harvey Point Rd intersection were removed from PUD request.

Do **NOT** record this page