



**Board of Commissioners
Agenda Packet**

March 1, 2021

Work Session

5:00 PM Service Districts

6:00 PM Call to Order

- A) Invocation & Pledge of Allegiance
- B) Approval of Agenda

Public Comment

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

Commissioner's Report**County Manager's Report****Public Hearings**

- A) **PB 21-02 Hutchinson Rezoning:** Request for a conventional rezoning of 11.27 acres from General Business (GB) and Agricultural (AG) to General Business (GB) and Mixed Residential (MXR). The property is located on Caratoke Highway in Grandy, Tax Map 94, Parcel 113A, Poplar Branch Township.
- B) **PB 21-04 Flora Farm:** Conditionally rezone 202.44 acres from AG to C-MXR to allow subdivision with 277 single-family dwelling lots, 7,500 sf neighborhood commercial units, and associated amenities.
- C) **PB 18-23 Fost, Amended PD-R #3:** Leif Street stub connection to the Flora Farm property on the northwestern property line.
- D) **PB 21-01 Currituck County Multi-Family Townhouse Stormwater Text Amendment:** Request to amend the Unified Development Ordinance, Chapter 7, Section 7.3.4(B)2 to exempt Type I subdivision of multi-family townhouse developments from the stormwater retention requirements for a 24-hour storm with a 10 year recurrence interval.

New Business

- A) **Recommendation of Award-Airport North Apron Rehabilitation Project**
- B) **Board Appointments**
 - 1. Planning Board
- C) **Consent Agenda**
 - 1. Budget Amendments
 - 2. Surplus Resolution-Water Tanks
 - 3. 2021 March for Meals Proclamation
 - 4. SOBWS Deep Raw Water Main Upgrade-Change Order #1

5. Public Safety Center Utility Easement-Piedmont Gas
6. Job Description Revision-Building Inspector I, II, & III
7. Consideration of Memorandum of Agreement Between NC Department of Health and Human Services and Currituck County Regarding Access, Use and Disclosure of Confidential Data and Authorization for County Manager's Execution of Memorandum of Agreement
8. Consideration of Special Order by Consent Between Currituck County and NC Environmental Management Commission Regarding County Non-Discharge Permit No. WQ0035706 and Authorization for County Manager's Execution of Special Order by Consent
9. Approval Of Minutes-Feb. 15, 2021

Recess**Special Meeting-Tourism Development Authority**

TDA Budget Amendments

Adjourn TDA and Reconvene Regular Meeting**Closed Session**

Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and preserve the attorney-client privilege; and G.S. 143-318.11(a)(6) to discuss personnel matters.

Adjourn



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3050)

Agenda Item Title: 5:00 PM Service Districts

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Discussion

Brief Description of Agenda Item:

Consideration and discussion on the creation of service districts to address needs within specific areas of the County.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3035

Agenda Item Title: PB 21-02 Hutchinson Rezoning:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jennie Turner

Board Action: Action

Brief Description of Agenda Item:

Request for a conventional rezoning of 11.27 acres from General Business (GB) and Agricultural (AG) to General Business (GB) and Mixed Residential (MXR). The property is located on Caratoke Highway in Grandy, Tax Map 94, Parcel 113A, Poplar Branch Township.

Planning Board Recommendation: Denial

Staff Recommendation: Denial

TRC Recommendation:



STAFF REPORT

PB 21-02 HUTCHINSON REZONING

BOARD OF COMMISSIONERS

MARCH 1, 2021

Attachment: 21-02 Hutchinson Rezoning Staff Report (PB 21-02 Hutchinson Rezoning)

APPLICATION SUMMARY

Property Owner: Jim & Phyllis Hutchinson PO Box 75 Grandy, NC 27939	Applicant: Don Williams, Mainstay Construction, Inc. PO Box 429 Moyock, NC 27959
Case Number: PB 21-02	Application Type: Zoning Map Amendment
Parcel Identification Number: 0094-000-113A-0000	Existing Use: Vacant with Billboard (Off-Premise Sign)
Land Use Plan Classification: Full Service	Parcel Size (Acres): 11.27
Land Use Plan Subarea: Grandy	Zoning History: 1989 GB/AG, 1975 B/A-40, 1974 B/A-40, 1971 HC/A-O1, 1970 HC/A-O1
Current Zoning: GB/AG	Proposed Zoning: GB/MXR
Request: Request for a zoning map amendment to relocate existing GB zoning line on the property to reduce area of GB zoning and rezone the remainder of the property to MXR.	

REQUEST

Narrative

The applicant is requesting a conventional rezoning of 11.27 acres from General Business (GB) and Agricultural (AG) to General Business (GB) and Mixed Residential (MXR).

The property is split zoned. This request moves the GB zoning line closer to Caratoke Highway reducing the GB zoned portion of the property from 6.66 acres to 3.70 acres. The request rezones 4.61 acres of AG property and proposes a total of 7.57 acres of MXR. If approved, the result will be a split zoned parcel with 3.70 acres of GB and 7.57 acres of MXR.

Community Meeting

A community meeting was held on December 14, 2020 at Mount Zion Methodist Church. There were four people in attendance including the applicant's consultant and a county representative. A meeting summary is included in the agenda packet.

SURROUNDING PARCELS

	Land Use	Zoning
North	Vehicle Service, Commercial Strip Development, Self-Service Storage and Religious Institution	GB & AG
South	Beacon Seafood and Vacant	GB & AG
East	Single-Family Dwellings	GB
West	Carolina Club Open Space Subdivision (Golf Course and Single-Family Dwellings)	AG

LAND USE PLAN

The 2006 Land Use Plan (LUP) classifies this site as Full Service within the Grandy subarea. The policy emphasis is to allow Grandy to evolve as a community center. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However, in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. Clustered housing developments, with open space required by ordinance, is encouraged. The following policies are relevant to the zoning map amendment request:

Policy HN1	<p>Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.</p> <p>Staff Commentary: County water is available, on-site wastewater will be required. This proposed MXR transitional zoning district appears to be a change to the existing development pattern. MXR proposed directly adjacent to AG.</p>
Policy HN3	<p>Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:</p> <ol style="list-style-type: none"> 1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map. 2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map. <p>Staff Commentary: This property may develop as a mixed-use development and there is an opportunity to require a properly planned development under singular zoning.</p>
Policy HN9	<p>Proposed residential development that would expose residents to the harmful effects of INCOMPATIBLE LAND USES or to ENVIRONMENTAL HAZARDS shall be prohibited. This would include, for example, residential development in locations adversely impacted by proximity to the airport or to activities involving excessive noise, light, odors, dust, fertilizers and insecticides (e.g. certain farm operations, mining activities, etc.).</p> <p>Staff Commentary: The Board should consider limiting allowable non-residential uses on site. For example: this is not an ideal location for a convenience store since it does not adjoin a collector or secondary street and traffic control may be difficult for uses with higher traffic demand.</p>

Policy CD1	<p>NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.</p> <p>Staff Commentary: The property is not located at an intersection; a conceptual plan may address access and appropriate small-scale businesses.</p>
Policy CD2	<p>Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.</p> <p>Staff Commentary: Commercial uses greater than neighborhood scale should be excluded to curtail strip development and minimize traffic. This application is requesting retention of GB zoning adjacent to MXR, GB uses may need to be limited for compatibility with MXR that will very likely have a residential component.</p>
Policy CD3	<p>LARGE COMMERCIAL CENTERS should be located adjacent to the intersections of major roadways; planned concentrations of employment and housing should be encouraged to locate convenient to these centers.</p> <p>Staff Commentary: Large Commercial uses should be excluded. This application is requesting retention of GB zoning adjacent to MXR, GB uses may need to be limited for compatibility with MXR that will very likely have a residential component.</p>
Policy CD4	<p>HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT. (See esp., Policy CD9 below concerning connected parking areas.)</p> <p>Staff Commentary: Through conditional zoning, a conceptual development plan will give assurances that development is compatible (reinforcing in use and design), provide access points and limit strip development potential.</p>
Policy CD5	<p>Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like. (Also see Policy HN9)</p> <p>Staff Commentary: The MXR zoning district is a transitional zoning district that would typically be located between existing residential zoning and more intense commercial zoning. Through conditional zoning, a conceptual development plan will give assurances that development is compatible and properly planned, the conceptual plan may also limit automobile-oriented uses.</p>
Policy CD6	<p>Appropriate OFFICE AND INSTITUTIONAL DEVELOPMENT, such as professional offices, small churches, individual medical offices, and the like, shall be encouraged to locate as a transitional land use between residential areas and commercial or industrial activities of higher intensity. "Activities of higher intensity" are typically large-scale commercial uses or automobile-oriented commercial development but may also include major thoroughfares.</p> <p>Staff Commentary: Office and Institutional uses may be more compatible MXR transition uses between the existing open space development (Carolina Club) and this proposed rezoning.</p>
Policy CD8	<p>MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.</p> <p>Staff Commentary: Ideally, the subject property will be properly planned and a conceptual development plan with allowable uses and site design features including pedestrian circulation and access will help to ensure that the property is designed and compatible with residential and non-residential use.</p>

Staff Analysis

The subject parcel is 11.27 acres, and this request proposes conventional GB and MXR zoning. The intent of the GB Zoning District is to accommodate small to medium-sized commercial, office, personal service, and institutional uses that provide goods and services to county residents and visitors in ways that protect the county's scenic corridors as well as maintain the traffic carrying capacity of major roadways. The intent of the MXR Zoning District is 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 non-residential uses proximate to housing.

The subject parcel has direct access to Caratoke Highway in Grandy and it is located on the west side of the highway between Augusta Drive and Carolina Club Drive, adjacent to the Carolina Club, an open space subdivision consisting of 288.7 acres of development area and 166.2 acres of open space. According to the amended sketch plan for Carolina Club, density is .63 units per acre in the development. This adjacent development is very low-density residential with over 55% open space including a golf course.

This rezoning request is an attempt to maximize residential development density of the parcel while retaining the GB zoning along Caratoke Highway. With the current bifurcated zoning, due to the small portion (4.61 acres) of AG zoned property, residential development potential is limited. Subdivision options are limited to minor or traditional subdivisions with minimum 40,000 square foot lots. After the 5th lot, open space requirements are triggered. A few lots may be created on the parcel with the current split zoning (approx. 5 lots max).

One option for this property is to rezone the entire parcel to conventional or conditional General Business, such request may result in the ability to create additional lots on the parcel (minimum 40,000 sf). A rezoning to conditional GB could allow for the entire parcel to be developed with 40,000 square foot lots and 30% open space that may result in 7 or 8 lots total. Given that the parcel abuts Caratoke Highway, in the Full-Service area of Grandy, the conditional GB option is likely better as it continues to allow for commercial uses adjacent to the highway and it allows for 40,000 square foot lots with lower density potential adjacent to GB uses.

The requested bifurcated zoning results in 7.7 acres of MXR with a maximum development potential of 15 lots; this would need to be designed and given on-site wastewater and open space requirements, 15 lots may not be feasible on the parcel. The remaining GB zoned portion of the property may be developed into 2-3 lots along Caratoke Highway. The requested density of this parcel in relation to the neighboring Carolina Club open space subdivision is markedly greater.

This conventional rezoning request results in a substantial density increase and the potential for non-residential development adjacent to a high-quality, low-density residential development (Carolina Club). To ensure that the development will be a compatible, well-planned mixed-use development, it is staff's opinion that a conditional zoning application should be submitted and reviewed. Staff does not support a conventional rezoning of this property from AG/GB to MXR/GB. The Land Use Plan states that mixed use developments should be properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses. This request does not ensure that the result of development of this parcel will be compatible development.

A use comparison by zoning district is provided below.

MIXED RESIDENTIAL (MXR) DISTRICT PERMITTED USE COMPARISON		
Uses highlighted green are allowable in AG Uses <u>underlined</u> are allowable in GB		
MXR		Conditional-MXR
Agriculture/Horticulture Silviculture Dwelling, duplex Dwelling, live/work Dwelling, Manufactured Home Dwelling, Single-Family Detached Dwelling, upper story Dormitory Family care home <u>Rooming or boarding house</u> <u>Community center</u> <u>Cultural facility</u> <u>Library</u> <u>Museum</u> <u>Senior Center</u> <u>Youth club facility</u> <u>Adult day care center</u> <u>Child care center</u> School, elementary, middle, high Government office <u>Assisted living facility</u> <u>Nursing home</u> Religious institution Arboretum or botanical garden	Cemetery, columbaria, mausoleum Community garden Park, public or private Police, fire or EMS facility Telecommunications antenna collocation on tower or building Utility, minor <u>Specialty eating establishment</u> <u>Business and sales</u> <u>Professional services</u> <u>Fitness center</u> <u>Recreation, indoor</u> <u>Theater</u> <u>Athletic facility</u> <u>Golf driving range</u> <u>Convenience store</u> <u>Drug store or pharmacy</u> <u>Entertainment establishment</u> <u>Financial institution</u> <u>Laundromat</u> <u>Personal services establishment</u> <u>Bed and Breakfast Inn</u> Hunting lodge Crabshedding	Dwelling, mansion apartment Dwelling, multi-family Dwelling, townhouse
		MXR subject to Use Permit
		Agricultural processing <u>Club or lodge</u> <u>Halfway house</u> <u>Psychiatric treatment facility</u> <u>Utility, major</u> <u>Restaurant, with indoor or outdoor seating</u> <u>Golf course</u> <u>Marinas</u> <u>Recreation, outdoor</u> <u>Public convenience center/transfer station</u>

GENERAL BUSINESS (GB) DISTRICT PERMITTED USES		
Uses allowable in GB and not in MXR		
GB		GB subject to Use Permit
Agribusiness Equestrian Facility Farmer's market Nursery, production Roadside market Agricultural research facility Distribution hub for agricultural and agronomic products Farm machinery sales, rental, and service College or university Vocational or trade school Government maintenance, storage, or distribution facility Blood/tissue collection facility Drug or alcohol treatment facility Hospital Medical treatment facility Auditorium, conference, and convention center Animal grooming Animal shelter Kennel	Veterinary clinic Dinner theater Parking lot Artisan food and beverage producer Bar, nightclub, or cocktail lounge Funeral home Grocery store Repair establishment Retail sales establishments Winery Boat and marine rental, sales, service Automotive parts and installation Automobile repair and servicing (including painting/bodywork) Car wash or auto detailing Taxicab service Hotel or motel Contractor service Research and development	Airport Helicopter landing facility Passenger terminal, surface transportation Telecommunications tower, freestanding Wind energy facility, large Arena, amphitheater, or stadium Outdoor tour operator Outdoor tour operator, Aviation Pawn Shop Shopping center Automobile sales or rentals Public convenience center/transfer station

This rezoning could be considered spot zoning. Spot zoning can be legal if it meets the five factors of validity. Below are the five factors in validity:

- There is an emphasis on a very limited number of property owners being involved, “usually triggered by efforts to secure special benefits for particular property owners, without regard for the rights of adjacent landowners.”
- Size of tract.
- Compatibility with adopted plans.
- The balance of benefits and detriments.
- Relationship of uses.

Based on information from the School of Government and General Statutes, below are concerns regarding the request:

- A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called “illegal spot zoning.” *Id.* at 549, 187 S.E.2d at 45
- Illegal spot zoning can be involved when the proposed new zoning requirements for the small area are either more or less strict than those for the surrounding area. The key element is that the proposed zoning is different from the other zoning, “thus projecting an inharmonious land use pattern.” *Chrismon v. Guilford County*, 322 N.C. 611, 626, 370 S.E.2d 579, 588 (1988). *See also Dale v. Town of Columbus*, 101 N.C. App. 335, 399 S.E.2d 350 (1991).
- There are several uses allowed in a conventional MXR district that are not allowed in the existing AG district that may be incompatible; also, the MXR district allows for a substantial density increase over GB or AG zoned properties.
- There is no set specific minimum or maximum size of an area that constitutes illegal spot zoning. However, the smaller the tract, the more likely the rezoning will be held invalid. (David Owens, UNC School of Government, May 2014)

Based on the above information from the School of Government and General Statutes, below are some of the concerns:

- a. There is a very limited number of property owners involved. This request is for one parcel with one owner instead of multiple parcels added together to include a larger area.
- b. Approval would secure special benefits for the property owner that are not afforded to neighboring property owners. For example, the owner would be able to increase the density for the parcel that the surrounding GB and AG zoned properties could not.
- c. The parcel size of 11.7 acres (7.57 acres MXR). Generally, the smaller the tract, the more likely the rezoning will be held invalid.
- d. Land Use Plan Compatibility issues previously addressed in this staff report.
- e. Relationship of existing and future uses. Adjacent properties are zoned GB and AG, compatible uses and disproportionate density among these properties is a concern. This location may not be ideal for a transitional MXR zoning designation.

The Land Use Plan uses density to determine development patterns and the UDO implements the Land Use Plan by creating zoning options that make achieving gross density possible. Lot size, open space and infrastructure influence gross density. Location and parcel size of transitional zoning districts are important. Rezoning requests are opportunities to guide development patterns and address compatibility.

The conditional zoning process was established in 2007 to offer an option to promote orderly growth in the county by providing tools to help guide development to be in line with the community values recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. Since the adoption of the 2013 UDO, conventional rezoning approvals typically include properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts (these properties are typically rezoned to eliminate existing split zoning).

UDO

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

RECOMMENDATION

PLANNING STAFF

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

PLANNING BOARD

On February 9, 2021, the Planning Board recommended denial of the requested rezoning with a 4-1 vote.

Mr. Bass made a motion to deny PB 21-02 because the request is inconsistent with the 2006 Land Use Plan policies including Housing and Neighborhood Policies HN1, HN3 and HN9 and Commercial Development Policies CD1-5, CD6 and CD8.

It is not reasonable and not in the public interest because it does not provide for properly planned mixed use development adjacent to Caratoke Highway.

Mr. Doll seconded the motion to deny and the motion carried 4-1, with Chairman Balance voting nay.

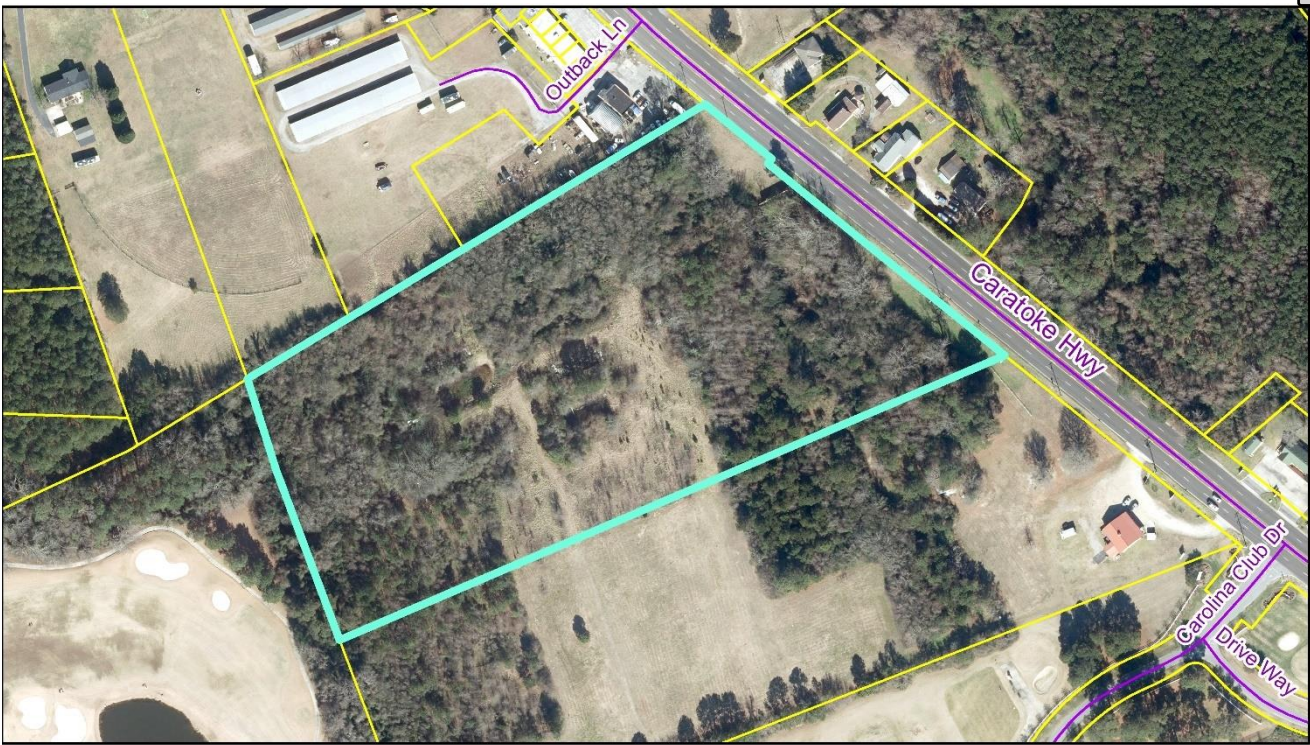
CONSISTENCY AND REASONABLENESS STATEMENT

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

This conventional zoning request is inconsistent with the 2006 Land Use Plan because it is not consistent with the above referenced policies of the plan including Housing and Neighborhood Policies HN1, HN3 and HN9 and Commercial Development Policies CD1-5, CD6 and CD8.

It is not reasonable and not in the public interest because it does not provide for properly planned mixed use development adjacent to Caratoke Highway.

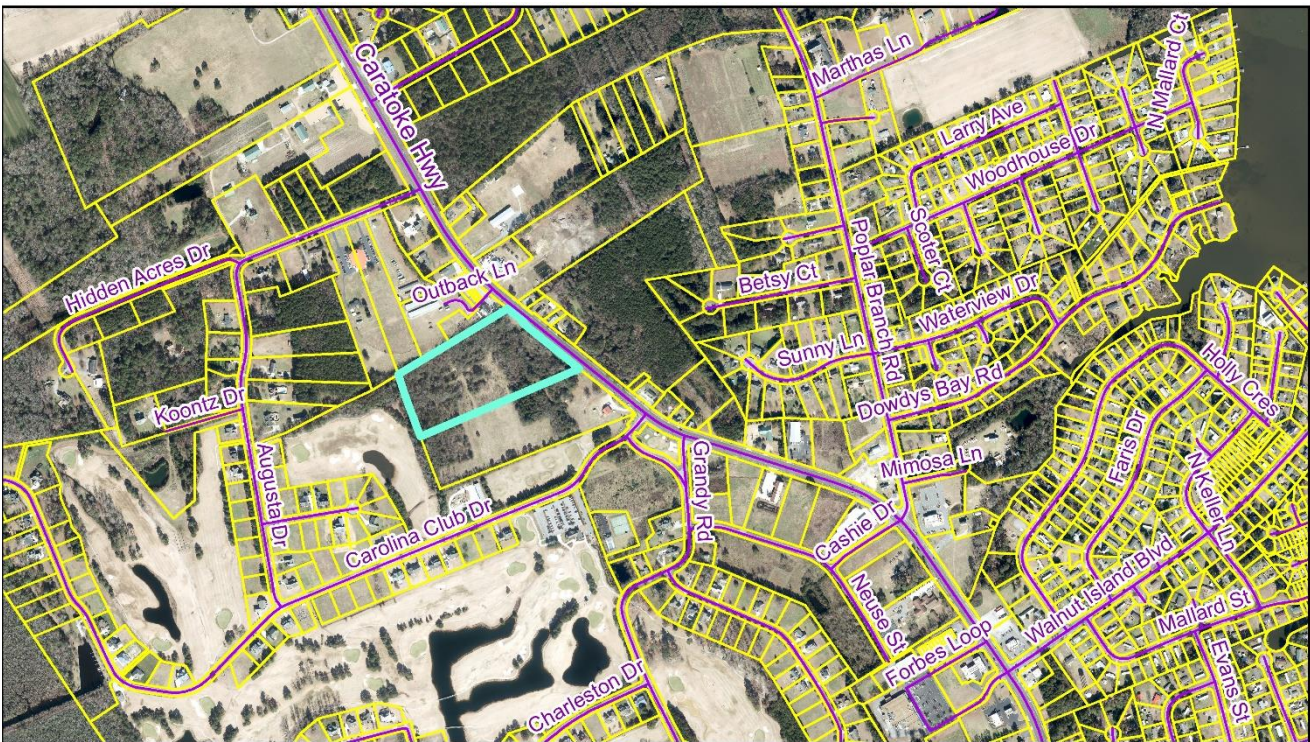
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



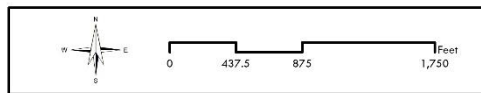
PB 21-02 Hutchinson
Rezoning
2020 Aerial Photography



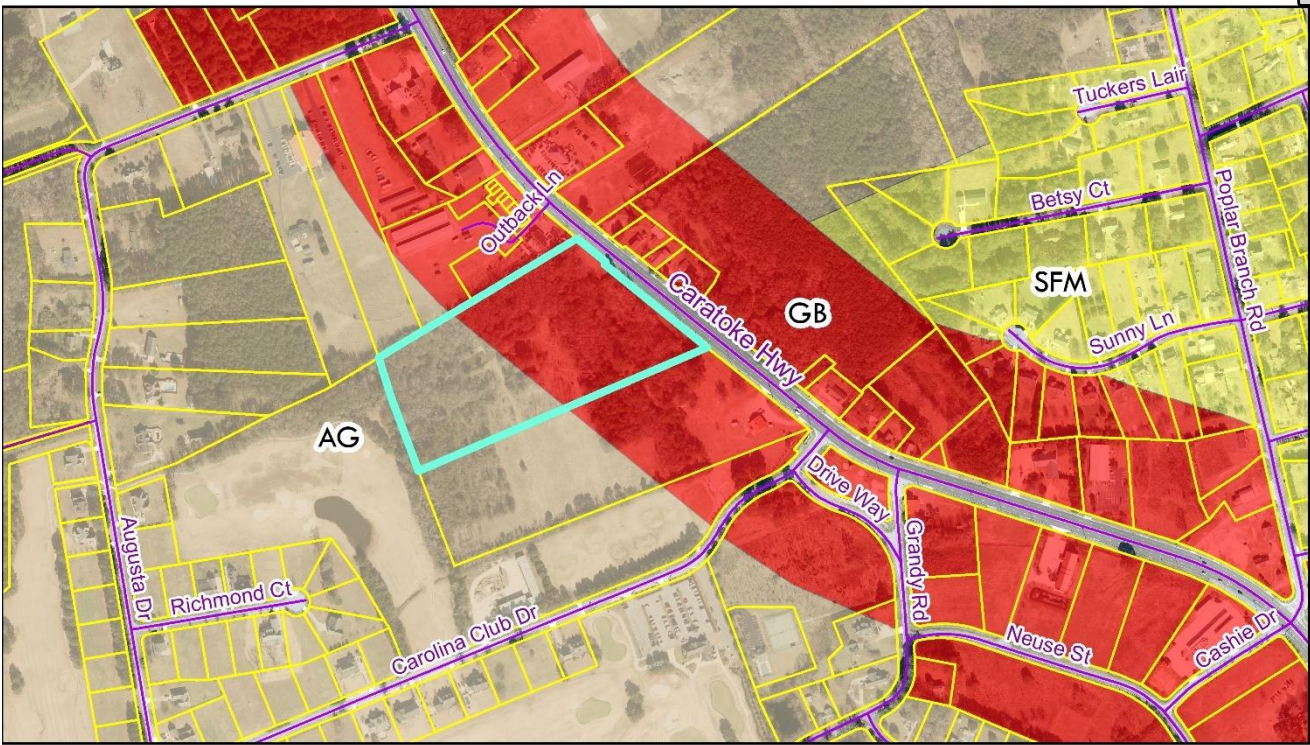
Currituck County
Planning and Community
Development



PB 21-02 Hutchinson
Rezoning
2020 Aerial Photography



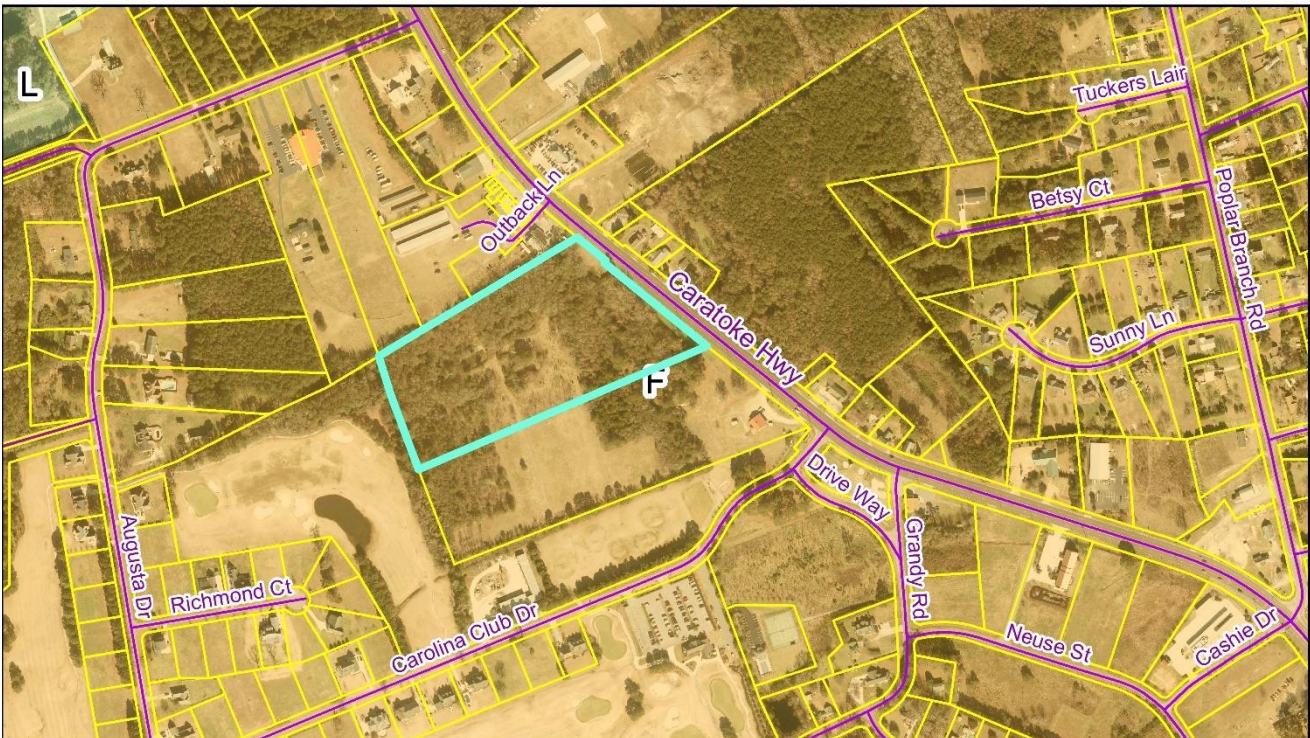
Currituck County
Planning and Community
Development



PB 21-02 Hutchinson
Rezoning
Official Zoning Map



Currituck County
Planning and Community
Development



PB 21-02 Hutchinson
Rezoning
2006 LUP Classification



Currituck County
Planning and Community
Development



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

MEMORANDUM

To: Don Williams, Mainstay Construction
Jason Mizelle, Timmons Group

From: Planning Staff

Date: January 14, 2021

Re: PB 21-02 Hutchinson Rezoning

The following comments have been received for the January 13, 2021 TRC meeting. Your case will be scheduled for the February 9, 2021 Planning Board meeting. If you wish to provide responses to any comments prior to the Planning Board meeting, please do so by January 25, 2021. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jennie Turner, 252-232-6031

The application is incomplete.

Pursuant to UDO Section 2.3.4.A. Authority to File Applications, provide an application with all owner and contract purchaser signatures **or** provide a letter or document signed by the owners Jim & Phyllis Hutchinson consenting to the rezoning application.

This conventional rezoning request results in a substantial density increase and to ensure that the development will be a compatible, well-planned mixed-use development, it is staff's opinion that a conditional zoning application should be submitted and reviewed. Staff will not support a conventional rezoning of this property from AG/GB to MXR. The Land Use Plan states that mixed use developments should be properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses. This request does not ensure that the result of development of this parcel will be compatible development. The intent of the MXR Zoning District is 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 non-residential uses proximate to housing.

The conditional zoning process was established in 2007 to offer an option to promote orderly growth in the county by providing tools to help guide development to be in line with the community values recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. Since the adoption of the 2013 UDO, conventional rezoning approvals typically include properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts.

Attachment: TRC comments (PB 21-02 Hutchinson Rezoning)

There is concern that this rezoning could be considered spot zoning. Based on information from the School of Government and General Statutes, below are some of the concerns:

- a. There is a very limited number of property owners involved. This request is for one parcel with one owner instead of multiple parcels added together to include a larger area.
- b. Approval would secure special benefits for the property owner that are not afforded to neighboring property owners. For example, the owner would be able to increase the density for the parcel that the surrounding GB and AG zoned properties could not do.
- c. The parcel size of 11.7 acres (7.57 acres MXR). Generally, the smaller the tract, the more likely the rezoning will be held invalid.
- d. Land Use Plan Compatibility.

The property is designated Full Service within the Grandy Subarea. The following Land Use Plan policies speak to properly planned, compatible mixed-use development.

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

Staff recommends the applicant submit a conditional zoning application with a conceptual plan. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains the community values and consistency with the officially adopted plans.

Currituck Soil and Stormwater, Dylan Lloyd

No Comment

Currituck County Utilities, Will Rumsey & Dave Spence

Reviewed

Currituck County GIS, Harry Lee

Reviewed

NONE

Currituck County Building Inspections, Bill Newns

Reviewed

Currituck County Parks and Recreation, Jason Weeks

No Comment

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

No Comment

Reviewed

NC Division of Coastal Management, Charlan Owens

No Comment

Albemarle Regional Health Services, Joe Hobbs

Reviewed

Have developer consult with Kevin Carver R.S. (252-232-6603) concerning septic system approval for each lot that makes up this proposed development.

Attachment: TRC comments (PB 21-02 Hutchinson Rezoning)



Zoning Map Amendment Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

Name: Mainstay Construction, Inc.
 Address: PO Box 429
Moyock, NC 27958
 Telephone: 252-202-0741
 E-Mail Address: cmainstay@aol.com

PROPERTY OWNER:

Name: Phyllis C. Hutchinson
 Address: PO Box 75
Grandy, NC 27939
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Purchaser

Property Information

Physical Street Address: (Between 6334 & 6370) Caratoke Highway, Grandy, NC
 Location: West side of Caratoke Highway, 840 feet north of Carolina Club Drive
 Parcel Identification Number(s): 0094000113A0000
 Total Parcel(s) Acreage: 11.27
 Existing Land Use of Property: Vacant

Request

Current Zoning of Property: GB & AG Proposed Zoning District: GB & MXR
 Total Acreage for Rezoning: 11.27 Are you rezoning the entire parcel(s): Yes ☒ No ☐
 Metes and Bounds Description Provided: ☒ Yes ☐ No

Community Meeting, if Applicable

Date Meeting Held: 12-14-2020 Meeting Location: Mt. Zion Meth. Church

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

[Signature]
 Property Owner(s)/Applicant*

12-14-2020

Date

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

Zoning Map Amendment Design Standards and Submittal Checklist

The table below depicts the design standards of the site plan or map for a zoning map amendment application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

Zoning Map Amendment

Site Plan Design Standards and Submittal Checklist

Date Received: _____

Project Name: _____

Applicant Property Owner: _____

Site Plan or Map Design Standards Checklist		
1	Lot/parcel dimensions.	
2	Zoning designation.	
3	All existing physical features (structures, buildings, streets, roads, etc.).	
4	Location and dimensions of any proposed construction.	

Zoning Map Amendment 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.

Zoning Map Amendment Submittal Checklist		
1	Complete zoning map amendment application	
2	Application fee (\$200 plus \$5 for each acre or part thereof)	
3	Community meeting written summary, if applicable	
4	Site plan or map	
5	Metes and bounds survey, if applicable	
6	2 copies of plans or maps	
7	2 hard copies of ALL documents	
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

For Staff Only

Pre-application Conference

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

Comments



1805 West City Drive
Unit E
Elizabeth City, NC 27909

P 252.621.5030
F 252.562.6974
www.timmons.com

COMMUNITY MEETING REPORT FOR AVERY FAMILY TURST

Project: Rezoning 11.27-Acres on Caratoke Hwy., Grandy
Facilitator: Jason Mizelle – Timmons Group
Date & Time: December 14, 2020 @ 6:00 PM
Location: Mt. Zion United Methodist Church, Grandy, NC

In preparation for the Community Meeting, twenty-seven notices were mailed out notifying the adjoining property owners & the County Staff about the meeting. Two residents, Robert Atkinson (195 Augusta Dr.) and Daryl Hood (173 Carolina Club Dr.) were in attendance. Mr. Hood is the current President of the Carolina Club HOA and was there on the community behalf. Also, in attendance were Matt Kirkendall of the Currituck County Planning Department, as well as Jason Mizelle of Timmons Group.

I opened the meeting with an explanation of the rezoning process and what specifically the applicants were looking to do with the property, if approved. I reviewed that the applicant was electing to seek the MXR zoning for the rear portion of the parcel to provide for the best use of that area as a transition zone between the General Business at the highway and the Residential Community to the west.

It was further conveyed that the applicant's intentions are to ultimately seek a single family subdivision in the MXR portion of the parcel, but with changing markets, that keeping an option for potential business uses allowed under the MXR zone was desirable as well to ensure the highest and best use of the property.

The most concerning question was regarding multi-family. It was explained that multi-family & townhomes required specific Conditional Zoning and are not allowed under the general MXR zoning classification. A review of the allowed uses for MXR were shared with those in attendance.

Other items discussed were in relation drainage. Mr. Kirkendall updated the group on the pending text amendment to increase the storm water storage requirements. Given the timing of that text amendment and this project, if the text amendment passes, then any residential development on this parcel would be subject to those rules. The meeting was concluded at 7:45 pm as there were no further questions or discussion.

Prior to the Community Meeting, we did have two other inquiries via phone calls. Keith Hall, who manages the Carolina Club golf course called on Dec. 7th to inquire about the proposed intended uses. Mr. Hall had a positive response to the potential for some housing there but did share concerns over screening/buffering the houses from the adjacent driving range from a safety perspective. He was eager to speak to the applicant as they move into the design phase of a project.

Mr. Harold Petrey called on Dec. 14th, to get more information about the rezoning and intended use. He stated to the applicant that he was not opposed to the rezoning.

Respectfully submitted,

Jason A. Mizelle, PLS

Cc Currituck County Planning

Attachment: Application (PB 21-02 Hutchinson Rezoning)



Currituck County Community Meeting

December 14, 2020

6:00PM

Packet Pg. 22

c/o Don Williams
Mainstay Construction, Inc.
PO Box 429
Moyock, NC 27958

Robert & Teresa Atkinson
195 Augusta Dr.
Grandy, NC 27939

Christopher Ayers
411 Lambs Road
Camden, NC 27921

Berry and Galvin, Inc
PO Box 1039
Grandy, NC 27939

Patricia Berry
PO Box 740
Grandy, NC 27939

Chad Brooks
157 Shell Dr.
Grandy, NC 27939

Beverly Brown
PO Box 191
Grandy, NC 27939

Carolina Club of NC, LLC.
308 Pointe Golf Club Dr.
Powells Point, NC 27966

Currituck Bible Baptist Church
6470 Caratoke Hwy
Grandy, NC 27939

ATTN: Laurie LoCicero
Currituck County Planning Dept.
153 Courthouse Rd, Suite 110
Currituck, NC 27929

James Curry & Susan Donahue
9601 Lake Mist Ct
Fairfax Station, VA 22039

Daniel & Paula Dolan
111 Richmond Ct
Grandy, NC 27939

Karen Etheridge
PO Box 296
Powells Point, NC 27966

Julian Evans
6347 Caratoke Hwy
Grandy, NC 27939

Grandy Assembly of God, Inc.
PO Box 795
Grandy, NC 27939

Tommy Grandy & Thomas Grandy
PO Box 215
Grandy, NC 27939

Clayton & Rebecca Howard
2854-A Caratoke Hwy
Currituck, NC 27929

Phyllis Hutchinson
PO Box 75
Grandy, NC 27939

Lazy Days Estates Partnership
310 Waterlily Road
Coinjock, NC 27923

Lower Currituck V.F.D., Inc.
PO Box 207
Grandy, NC 27939

Outback Storage, Inc.
c/o Pat Berry
PO Box 1039
Grandy, NC 27939

Brandon Pond
6316 Caratoke Hwy
Grandy, NC 27939

Solo Ventures, LLC
270 Jarvisburg Rd
Jarvisburg, NC 27947

Richard White
PO Box 1673
Elizabeth City, NC 27906

Megan & James Wilaby
6357 Caratoke Hwy
Grandy, NC 27939

Robert & Tiffany Woodhouse
144 Charleston Dr.
Grandy, NC 27939

Gary & Debra Zimmerman
243 Neck Rd
Shiloh, NC 27974



1805 West City Drive
Unit E
Elizabeth City, NC 27909

P 252.621.5030
F 252.562.6974
www.timmons.com

December 1, 2020

RE: Community Meeting Regarding Proposed Rezoning

To Whom It May Concern:

This notice is being sent to you and all land owners adjacent and/or near to a parcel of land proposed for rezoning as required by the Unified Development Ordinance of Currituck County, NC. The applicant is requesting to shift the General Business zoning line toward the highway and rezone the rear of the property from Agriculture to Mixed Residential. Keeping the community in mind, a "community meeting" has been planned to give an opportunity for neighbors to ask questions and to resolve any concerns prior to the application package going to hearings before the Currituck County Planning Board and Board of Commissioners. A report of the meeting's content will be prepared and submitted to the County. A representative(s) of Currituck County will be invited to this meeting.

Attached is a sketch that outlines the existing and proposed zone areas.

The community meeting will be held on Monday, December 14, 2020 at 6:00 P.M. at the Mt. Zion United Methodist Church located at 6480 Caratoke Highway, Grandy, North Carolina 27939.

Should any change in meeting date, time, or location occur before this scheduled date you will be re-notified as to the new date, time, and place of meeting.

If you have any questions or are unable to attend the meeting and would like to discuss the project prior to the meeting, please do not hesitate to call our office at (252) 621-5030.

Sincerely,

Jason Mizelle, PLS

Cc: file

Mainstay Construction, Inc.

Currituck County Planning Department

Attachment: Application (PB 21-02 Hutchinson Rezoning)



1805 West City Drive
Unit E
Elizabeth City, NC 27909

P 252.621.5030
F 252.562.6974
www.timmons.com

Exhibit Map

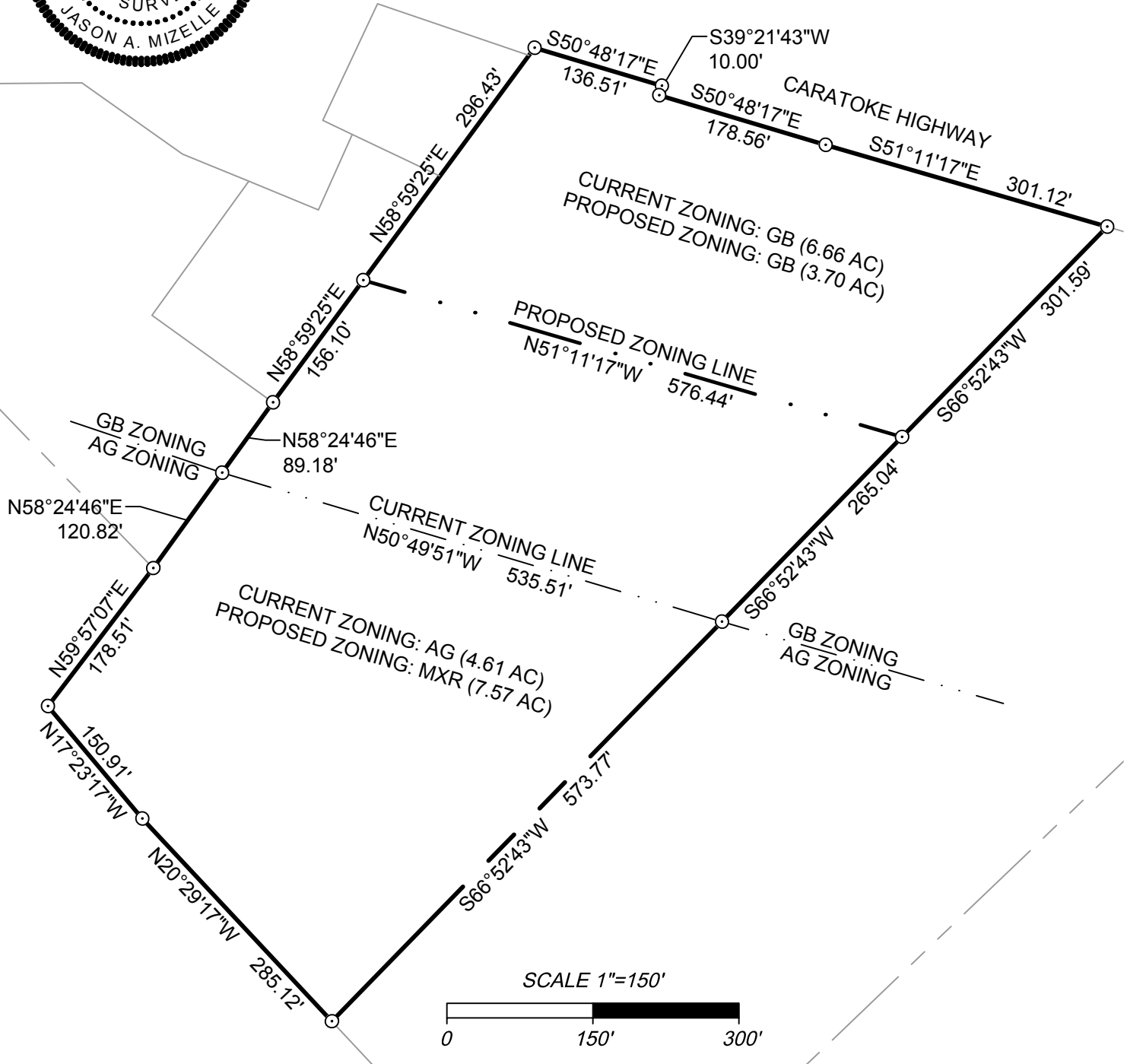


Attachment: Application (PB 21-02 Hutchinson Rezoning)



THIS MAP IS FOR PRESENTATION PURPOSES ONLY AND IS NOT A FORMAL BOUNDARY SURVEY. SEE RECORDED REFERENCES.

ZONING EXHIBIT
PIN# 0094000113A0000
PARCEL A, P.C. M, SLD. 59
D.B. 1193, PG. 324



Attachment: Application (PB 21-02 Hutchinson Rezoning)

THIS DRAWING PREPARED AT THE
ELIZABETH CITY OFFICE

1805 West City Drive, Unit E | Elizabeth City, NC 27909
 TEL 252.621.5030 FAX 252.562.6974 www.timmons.com
 North Carolina License No C-1652

YOUR VISION ACHIEVED THROUGH OURS.

Poplar Branch Twsp.

Currituck County

Date: Dec. 15, 2020

Scale: 1"=###'

Sheet 1 of 1

J.N.: 46184

Drawn by: J. Mizelle

Checked by: J. Mizelle

TIMMONS GROUP



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3037

Agenda Item Title: PB 21-04 Flora Farm:

Submitted By: Tammy Glave – Planning & Community Development

Item Type: Legislative

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

Conditionally rezone 202.44 acres from AG to C-MXR to allow subdivision with 277 single-family dwelling lots, 7,500 sf neighborhood commercial units, and associated amenities.

Planning Board Recommendation: Approval with Conditions

Staff Recommendation: Denial

TRC Recommendation: Denial



STAFF REPORT
PB 21-04 FLORA FARM
CONDITIONAL ZONING
BOARD OF COMMISSIONERS
MARCH 1, 2021

APPLICATION SUMMARY

Property Owner: Mary Nell Flora Brumsey 117 Puddin Ridge Road Moyock NC 27958 John J. Flora III PO Box 369 Moyock NC 27958	Applicant: North-South Development Group LLC Justin Old 417 Caratoke Hwy Unit D Moyock NC 27958
Case Number: 21-04	Application Type: Conditional Rezoning
Parcel Identification Numbers: 0015-000-085A-0000 0015-000-085B-0000 0015-000-085C-0000	Existing Use: Single-Family Dwelling and Cultivated Farmland
Land Use Plan Classification: Full Service	Parcel Size (Acres): 202.44
Moyock Small Area Plan Classification: Full and Limited Service	Zoning History: AG (2013); A (1989); A-40 (1975)
Current Zoning: AG	Proposed Zoning: C-MXR
Request: Conditionally rezone 202.44 acres from AG to C-MXR to allow subdivision with 277 single-family dwelling lots, 7,500 sf neighborhood commercial units, and associated amenities.	

REQUEST

NARRATIVE

The developer is proposing a development with 277 single-family dwelling lots and limited neighborhood commercial development. Approximately 83 of the 202 acres are proposed to be open space. Residential amenities include a dog park, picnic area, pool, clubhouse, and sidewalks. Non-residential amenities include an outdoor dining area and a patio with benches. The developer will also be installing an 8' multi-use path along Caratoke Highway as is required by the Currituck Transportation Plan.

The three non-residential buildings will be required to meet all non-residential design standards and community compatibility standards of the UDO. Since the three buildings combined exceed 5,000 sf, if there are 4 or more tenant spaces combined within the three buildings, the shopping center design standards must be met.

ZONING	APPROX MAX # UNITS	OPEN SPACE (%)	GROSS DENSITY (Units/Acre)	NET DENSITY “FEELS LIKE”** (Units/Acre)
AG (EXISTING)	66	50	.33	.73
SFM	202	40	1	1.66
MXR** (Single-Family)	404	30	2	2.85
C-MXR Proposed (Single-Family)	277	40.9	1.37	2.58
<p>*Assumes 10% area for infrastructure. **These numbers are assuming the Full Service designation in the <i>Land Use Plan</i> would supersede the split Full Service/Limited Service designation in the Moyock Small Area Plan as in an adjoining development.</p>				

UTILITIES AND DRAINAGE

The subdivision will connect to county water and be services by a private wastewater treatment plant (Currituck Water and Sewer Inc.). Staff recommends that an authorization from Currituck Water and Sewer Inc to connect to wastewater be provided indicating gallops per day allowed for this development at the rezoning stage since the plant is operating under violation and connections may be limited.

There is an emphasis on downstream maintenance at this time. There are portions of Rowland Creek and the ditches on Guinea Road and Survey Road with brush and debris that need to be cleaned up. The conceptual plan provides limited drainage details.

On-site stormwater will be managed by construction a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater primarily to Rowland Creek both directly and indirectly. Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales. With designated wetlands on the property, major drainage features traversing the site, high ground water table, low elevation, soils with slow permeability and the known drainage issues in the area, extra precaution must be made to ensure compliance with drainage regulations.

TRANSPORTATION

The internal transportation network includes a divided boulevard within an 80' minimum right-of-way, a typical local roadway with a 40' minimum right-of-way, 4 interconnections with Fost Planned Development, and 5' sidewalks along all streets. The external transportation network includes the main boulevard connection on the south side of Survey Road, a driveway connection on the north side of Survey Road, and an 8' multi-modal path along Caratoke Highway. The residential units and commercial area are expected to generate the below trips per day at full build-out in 2024.

ZONING	TRIPS PER DAY
AG (EXISTING)	632
SFM	1933
MXR** - Single-Family CMX-R Proposed <i>Potential commercial traffic not factored into this count</i>	3866 2651 <i>Proposed commercial traffic not factored into this count</i>
**These numbers are assuming the Full Service designation in the Land Use Plan would supersede the split Full Service/Limited Service designation in the Moyock Small Area Plan as in an adjoining development.	

The December 16, 2020 memo regarding the TIA was approved by NCDOT on February 9, 2021. Below are the updated Trip Generation Results based on that memo:

Findings and Conclusions

As a result, the updated Flora Farms site is expected to generate fewer total trips than what was analyzed in April 2020. Table 3 shows the percent reduction in site trips for the calculated daily, AM peak hour, and PM peak hour external site trips. The lane use totals are expected to reduce the AM peak hour trips by approximately 24% and the PM peak hour site trips by approximately 51%.

From: Andrew Topp, PE, PTOE
Ref: Flora Farms Trip Generation Update
December 16, 2020
Page 4



Memorandum

Table 3: Trip Generation Differences

Trip Type	ADT	AM Peak Hour			PM Peak Hour		
		Enter	Exit	Total	Enter	Exit	Total
Total External Site Trips							
April 2020 TIA	8,380	189	274	463	393	324	717
November 2020 Update	3,652	144	208	352	207	141	348
% Difference	-56.4%	-23.8%	-24.1%	-24.0%	-47.3%	-56.5%	-51.5%
Pass-By Trips							
April 2020 TIA	-	0	0	0	77	78	155
November 2020 Update	-	0	0	0	13	14	27
% Difference	-	-	-	-	-83.1%	-82.2%	-82.6%
Non-Pass-By Trips							
April 2020 TIA	-	189	274	463	316	246	562
November 2020 Update	-	144	208	352	194	127	321
% Difference	-	-23.8%	-24.1%	-24.0%	-38.6%	-48.4%	-42.9%

Therefore, the new site plan does not warrant an update to the Flora Farms Subdivision TIA. The trips projected in the TIA will account for all traffic that is now proposed for the site. The trip generation pages for each land use code from the *ITE Trip Generation Manual, 10th Edition* are attached at the end of this memorandum.

Below are excerpts from the original TIA:

Caratoke Highway and Survey Road (unsignalized)

The Survey Road eastbound stop-controlled approach is expected to operate at a Level of Service (LOS) E during the PM peak hour under Build (2026) conditions if no additional improvements are made. After the build-out of the development, vehicles will be able to access full movement traffic signals at Survey Road to north of the development, and Fost Boulevard south. Therefore, the following improvements are recommended for the intersection:

- Provide a southbound right-turn lane with at least 100 feet of full storage and appropriate taper.

- Restrict access at the intersection to not allow left-turns off of Survey Road. This restriction of access should be completed when approximately 30% of the total estimated trips for the site are observed, likely in conjunction with the southbound right-turn lane installation.
- Stripe out at least 200 feet of storage within the existing two-way left-turn lane along Caratoke Highway for the northbound left turn.
- Monitor the intersection for potential signalization in the future.

Survey Road and Future Access #1/Future Access #2

The proposed stop-controlled driveways are projected to operate at acceptable levels of service during peak hours under Build (2026) conditions. The following driveway configuration for both access driveways should be considered to enhance traffic operations and safety:

- Connect both driveways to Survey Road with stop-controlled approaches as a full movement four-leg intersection.
- Construct Future Access #1 with one ingress lane and two egress lanes. Provide northbound left-turn lane with a minimum of 100 feet of full storage and appropriate taper and a through/right-turn lane. Lydia Street intersects with Future Access #1 approximately 300 feet from Survey Road, which provides the proper internal protected stem to accommodate projected queues. Typically, NCDOT requires a 100 foot minimum internal protected stem for this type of facility.
- Construct Future Access # 2 with one ingress lane and one egress lane.
- Provide an eastbound left-turn lane and right-turn lane along Survey Road, both with a minimum of 100 feet of full storage and appropriate taper.
- Provide a westbound left turn lane along Survey Road with at least 100 feet of full storage and appropriate taper.

The other intersections within the study area are projected to remain at an acceptable LOS once the development is completed; therefore, no additional offsite lane geometric improvements are recommended.

The illustration below depicts the TIA's recommended improvements noted above including an additional stoplight on Caratoke Highway (Survey Road and Fost Boulevard):

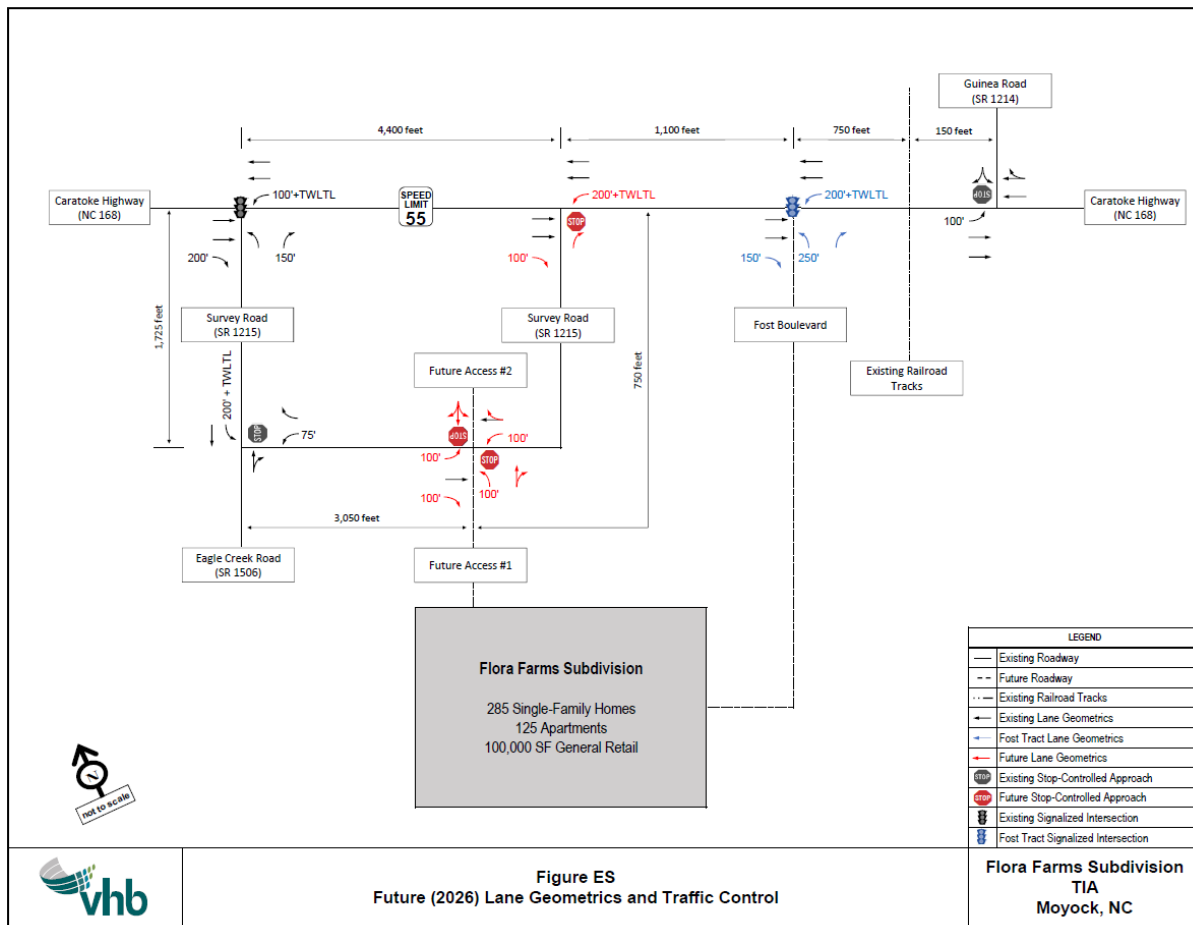


Figure ES
Future (2026) Lane Geometrics and Traffic Control

The following table depicts the Summary Level of Service Table. NCDOT defines the relationship of travel demand compared to the roadway capacity as the level of service (LOS) of a roadway. Please also reference the attached NCDOT LOS Definitions. The last column of the table indicates LOS at full build-out with road improvements. These counts do not consider the proposed school that is a part of this request; therefore, the LOS projections are not an accurate reflection all proposed uses in the PD-R request.

Table ES-1 Summary Level of Service Table

Intersection and Approach	Traffic Control	Existing (2019)		No-Build (2026)		Build (2026)		Build (2026) with Improvements	
		AM	PM	AM	PM	AM	PM	AM	PM
Caratoke Highway (NC 168) and Survey Road	Signalized	B (12.3)	A (7.8)	B (13.5)	B (12.2)	B (16.0)	B (18.1)	B (15.7)	B (18.0)
Eastbound		D-44.8	D-46.3	D-43.7	D-50.0	D-41.5	E-61.2	D-41.5	E-61.2
Northbound		A-6.7	A-3.5	A-7.2	A-3.6	A-9.8	A-5.1	A-9.2	A-4.8
Southbound		A-5.9	A-5.8	B-11.2	B-12.2	B-12.0	B-16.2	B-12.0	B-16.2
Caratoke Highway (NC 168) and Survey Road	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Eastbound		A-9.7	C-15.1	B-10.5	C-21.2	C-23.3	F-844.9	B-11.4	E-37.9
Caratoke Highway (NC 168) and Guinea Road	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Westbound		C-15.0	C-15.5	C-20.6	C-21.2	C-22.6	C-23.7	C-22.6	C-23.7
Survey Road and Eagle Creek Road	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Westbound		A-9.6	A-9.8	B-10.2	B-10.4	B-11.2	B-12.1	B-11.2	B-12.1
Caratoke Highway (NC 168) and Fost Boulevard	Signalized	N/A	N/A	B (11.1)	B (11.3)	B (11.9)	B (11.3)	B (13.9)	B (14.1)
Eastbound		N/A	N/A	C-30.5	D-38.2	C-30.1	D-41.1	C-30.2	D-43.7
Northbound		N/A	N/A	A-9.5	B-11.1	A-9.9	B-11.6	B-11.6	B-13.3
Southbound		N/A	N/A	A-4.6	A-8.0	A-7.2	A-7.2	A-9.4	A-9.9
Survey Road and Future Access #1/Future Access #2	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Northbound		N/A	N/A	N/A	N/A	B-13.3	C-23.5	B-11.7	C-15.4
Southbound		N/A	N/A	N/A	N/A	B-12.4	C-17.7	B-11.7	C-16.2

X (XX.X) = Overall intersection LOS (average delay), X-XX = Approach LOS and average delay

COMMUNITY MEETING

The developer held a community meeting on December 16, 2020. Six members of the public attended the meeting, all from Ranchland. Most of the questions were regarding drainage, berm placement, school capacity, home prices, phasing, and fire hydrants/fire ratings.

SURROUNDING PARCELS

	Land Use	Zoning
North	Low Density Residential/ Cultivated Farmland	AG/GB
South	Low Density Residential/ Cultivated Farmland	SFM/AG
East	Fost Planned Development	PD-R
West	Residential (Eagle Creek and Ranchland)	SFM/AG

ZONING MAP AMENDMENT REVIEW STANDARDS

The advisability of an amendment to the Official Zoning Map 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 proposed map amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed amendment:

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

6. Adversely impacts nearby lands;
7. Would result in a logical and orderly development pattern;
8. 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;
9. 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);
10. Would not result in significantly adverse impacts on the land values in the surrounding area; and,
11. Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.

STAFF'S CONCERNS REGARDING PROJECT CONSIDERATION AT THIS TIME:

- Inconsistent with the Land Use plan (see below).
- Inconsistent with the Moyock Small Area Plan (see below).
- Over density allowed in the Limited Service area in the Moyock Small Area Plan.
- Inadequate public facilities (schools – see email from County Manager).
- Soils in the project location are concerning. Roanoke fine sandy loam and Cape Fear Silt are found on the property. According to the Currituck County Soils survey, these soils are “poorly suited to most urban and recreation uses because of flooding, wetness, slow permeability and low strength.”
- Currituck Water and Sewer having capacity to handle this development’s wastewater since it is currently operating under violation and the provider noted upgrades that must be made to the current WWTP.

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Full Service within the Moyock subarea. The policy emphasis for the Moyock subarea is to properly manage the increased urban level of growth that this area is sure to experience over the next decade and beyond. Section 2.4.4.E of the UDO states that the BOC may consider certain factors including that the proposal “Is Consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purpose of the UDO.” While the proposal is consistent with some policies in the Land Use Plan (see attached list from developer for more detail), it is inconsistent with other policies of the plan, some of which are:

Policy SF4	<p>Currituck County shall continue to support a service level policy for schools that calls for the construction and maintenance of classroom space sufficient to avoid the use of mobile classroom units.</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> • Approximately 171 dwelling units are proposed in the Moyock Elementary School district where no school capacity currently exists. • For rezonings, one of the factors the Board of Commissioners may weigh in determining whether to adopt or deny a proposal is whether the approval results in development that is adequately served by public facilities. With a rezoning, there is not the allowance for adequate public facilities to be programmed to be in place within two years. Approving the rezoning without adequate public facilities currently in place would be inconsistent with the intent of the UDO. This is a conditional rezoning, and conditions can be placed on the project to minimize impact based on the school expansion update from the County Manager (see below). This may include modification of the proposed phasing plan, delaying the submittal for a preliminary plat Use Permit until two years before facilities are programmed to be in place, or other timing conditions. <p><i>*According to a January 15, 2021 email, the County Manager “expects to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years (from June 1st– staff addition).”</i></p>
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Policy PP2	<p>Currituck County shall continue to implement a policy of ADEQUATE PUBLIC FACILITIES, sufficient to support associated growth and development. Such facilities may include but not limited to water supply, school capacity, park and open space needs, firefighting capability, and law enforcement.</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> Approximately 171 dwelling units are proposed in the Moyock Elementary School district where no school capacity currently exists. For rezonings, one of the factors the Board of Commissioners may weigh in determining whether to adopt or deny a proposal is whether the approval results in development that is adequately served by public facilities. With a rezoning, there is not the allowance for adequate public facilities to be programmed to be in place within two years. Approving the rezoning without adequate public facilities currently in place would be inconsistent with the intent of the UDO. This is a conditional rezoning, and conditions can be placed on the project to minimize impact based on the school expansion update from the County Manager (see below). This may include modification of the proposed phasing plan, delaying the submittal for a preliminary plat Use Permit until two years before facilities are programmed to be in place, or other timing conditions. <p><i>*According to a January 15, 2021 email, the County Manager “expects to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years (from June 1st – staff addition).”</i></p>
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MOYOCK SMALL AREA PLAN

The Moyock Small Area Plan classifies this site as Full Service and Limited Service. The policy emphasis for Full Service in Moyock is to provide focal points in the community where high amounts of activity occur. Both residential and commercial components will be present in Full Service areas. Cluster or planned commercial and residential areas with diversity in housing types is preferred. The policy emphasis for Limited Service designations are less intensely developed than Full Service. Emphasis is more on residential development and densities. Limited Service designation has reduced public services such as fire protection, emergency service, recreation, and public water. While the proposal is consistent with some policies in the Moyock Small Area Plan (see attached list from developer for more detail), it is inconsistent with other policies of the plan, some of which are:

Policy CC1	<p>Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> According to the Limited Service designation on the Future Land Use Map, 129 lots are allowed in the Limited Service designation. 175 lots are proposed.
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The Moyock Small Area Plan, adopted by the BOC in 2013, was championed by a 15 member Stakeholder Committee. Through the year and half long process, the stakeholder committee and citizens were guided through a public input process giving them opportunities to provide input. The Small Area Plan promotes thoughtful, responsible growth. This plan will supplement the Land Use Plan *to more specifically address the needs and issues of Moyock*. The plan established a new focus for growth and development in Moyock. The Board of Commissioners and staff use the SAP to make recommendations about development proposals and other county land use policy decisions. This plan is a vital tool for staff in day to day decision making and in assisting the public with development proposals.

While it is good Planning practice to place more importance on an adopted plan specific to a small area, as with Fost the Board of Commissioners may wish to place less emphasis the Moyock Small Area Plan and rely solely on the more general Land Use Plan that is applicable county-wide.

RECOMMENDATION

Technical Review Committee

The Technical Review Committee recommends denial of the conditional rezoning subject to the following conditions:

1. There is not adequate school capacity for this development currently. Moyock Elementary exceeds Actual Capacity for this school year. Without adequate school capacity, this project is recommended for denial. Phasing a project to allow a limited number of lots (school children) per year does not meet the adequate public facilities ordinance of the UDO since school capacity is not currently available. The process for expanding MES for additional classroom space has started. The Board of Commissioners and the Board of Education have made a Request for Proposals for a consultant for a design/build contract for the expansion construction. Approving the plan without the school capacity in place would result in development that is not 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) at present time and would not meet the criteria the Board may consider at a rezoning. *Please see above note from County Manager.*

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹				
School	2019-2020 2020-2021 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	109%	115%	126%	+69
Shawboro Elementary	94%	97%		
Central Elementary	80%	89%		
Griggs Elementary	56%	59%	101%	
Jarvisburg Elementary	82%	88%		
Knotts Island Elementary	35%	36%	36%	
Moyock Middle	95%	79%	93%	+22
Currituck Middle	61%			
Currituck High	84%	86%	106%	+38
JP Knapp Early College	93%			

¹Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

²Capacity percentages are based on 2019-2020 and 2020-2021 school year classroom standards and August 2020 ADM

³Capacity percentages are based on the 2021-2022 school year classroom standards and August 2020 ADM

2. According to the Moyock Small Area Plan, 129 lots are allowed in the Limited Service district and 175 are proposed. The density limits for each district must be met separately.

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 2006 Land Use Plan because:

- The proposed use identified in the request is a residential subdivision;
- The request is located in the Moyock Elementary School district;
- The Moyock Elementary School average daily membership (ADM) for August 2020 exceeds the actual school capacity adopted by the Currituck County Board of Education;
- The request increases the number of projected students in the Moyock Elementary School district by approximately 43 students based on the Student Generation Rate study prepared by Tischler and Associates, Inc. (2004);
- The request will exceed the county's ability to provide adequate public facilities and is inconsistent with 2006 LUP Policy PP2.
- The proposal exceeds the number of lots allowed by the Moyock Small Area Plan in the Limited Service area.
- No assurance that adequate wastewater treatment can be provided by the current private WWTP

It is not reasonable and not in the public interest because the proposed development can not be adequately served by public facilities (schools) and is not in harmony with the purposes and intent of the UDO, including but not limited to the purpose and intent of the subdivision standards (Section 6.1.1.).

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.

The applicant is requesting the Board of Commissioners agree to the following conditions of approval:

Condition 1 regarding drainage improvements:

Drainage improvements will be provided as follows:

- Extend the Rowland Creek drainage improvements to the Eagle Creek Pumpstation, with agreement from Eagle Creek.
- Make improvement to the drainage ditch that runs along the common boundary between the Fost/Brumsey property and Eagle Creek/Ranchland based on results of the stormwater modeling of existing conditions.
- Perform stormwater modeling of the proposed Flora Farm development to manage the 100 year storm event and provide stormwater storage, including berms as necessary.

Condition 2 regarding phasing:

- a. Development will be recorded in 5 phases. Developer will not record the first phase before June 1, 2022.
- b. The first phase will not contain more than 55 lots.
- c. Subsequent phases will not be recorded sooner than 6 months following the prior phase, and in any event, no sooner than January 1, 2023.
- d. Developer will retain the right to provide an annual update of phasing, including making adjustments to phase lines and the sequence of recording, as long as the timing of total lots recorded in the above conditions is followed.

While the Technical Review Committee is recommending **denial** of this request, should the Board of Commissioners approve the request, the following conditions of approval are recommended:

- a. That the application for preliminary plat/use permit for the subdivision not be submitted until the Notice to Proceed with the school expansion project is fully executed. (Estimated June 1, 2021 – See below note from County Manager)
- b. That the conditions of approval proposed by the applicant be incorporated into the approval.
- c. That the model home sample elevations be incorporated into the approval.
- d. That certification be provided that the private WWTP proposed to service this development can accommodate the gpd of wastewater this development proposes to generate.

RECOMMENDATION

Planning Board

The Planning Board recommends approval of the conditional rezoning subject to the following conditions:

Condition 1 regarding drainage improvements:

Drainage improvements will be provided as follows:

- a. Extend the Rowland Creek drainage improvements to the Eagle Creek Pumpstation, with agreement from Eagle Creek.
- b. Make improvement to the drainage ditch that runs along the common boundary between the Fost/Brumsey property and Eagle Creek/Ranchland based on results of the stormwater modeling of existing conditions.
- c. Perform stormwater modeling of the proposed Flora Farm development to manage the 100 year storm event and provide stormwater storage, including berms as necessary.

Condition 2 regarding phasing:

- a. Development will be recorded in 5 phases. Developer will not record the first phase before June 1, 2022.
- b. The first phase will not contain more than 55 lots.
- c. Subsequent phases will not be recorded sooner than 6 months following the prior phase, and in any event, no sooner than January 1, 2023.
- d. Developer will retain the right to provide an annual update of phasing, including making adjustments to phase lines and the sequence of recording, as long as the timing of total lots recorded in the above conditions is followed.

- a. That the application for preliminary plat/use permit for the subdivision not be submitted until the Notice to Proceed with the school expansion project is fully executed. (Estimated June 1, 2021 - See below note from County Manager)
- b. That the conditions of approval proposed by the applicant be incorporated into the approval.
- c. That the model home sample elevations be incorporated into the approval.

d. That certification be provided that the private WWTP proposed to service this development can accommodate the gpd of wastewater this development proposes to generate.

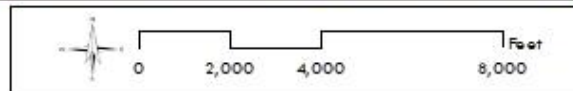
Also, the additional TRC conditions of approval are included as follows:

- a. That the application for preliminary plat/use permit for the subdivision not be submitted until the Notice to Proceed with the school expansion project is fully executed. (Estimated June 1, 2021 - See below note from County Manager)
- b. That the conditions of approval proposed by the applicant be incorporated into the approval.
- c. That the model home sample elevations be incorporated into the approval.
- d. That certification be provided that the private WWTP proposed to service this development can accommodate the gpd of wastewater this development proposes to generate.

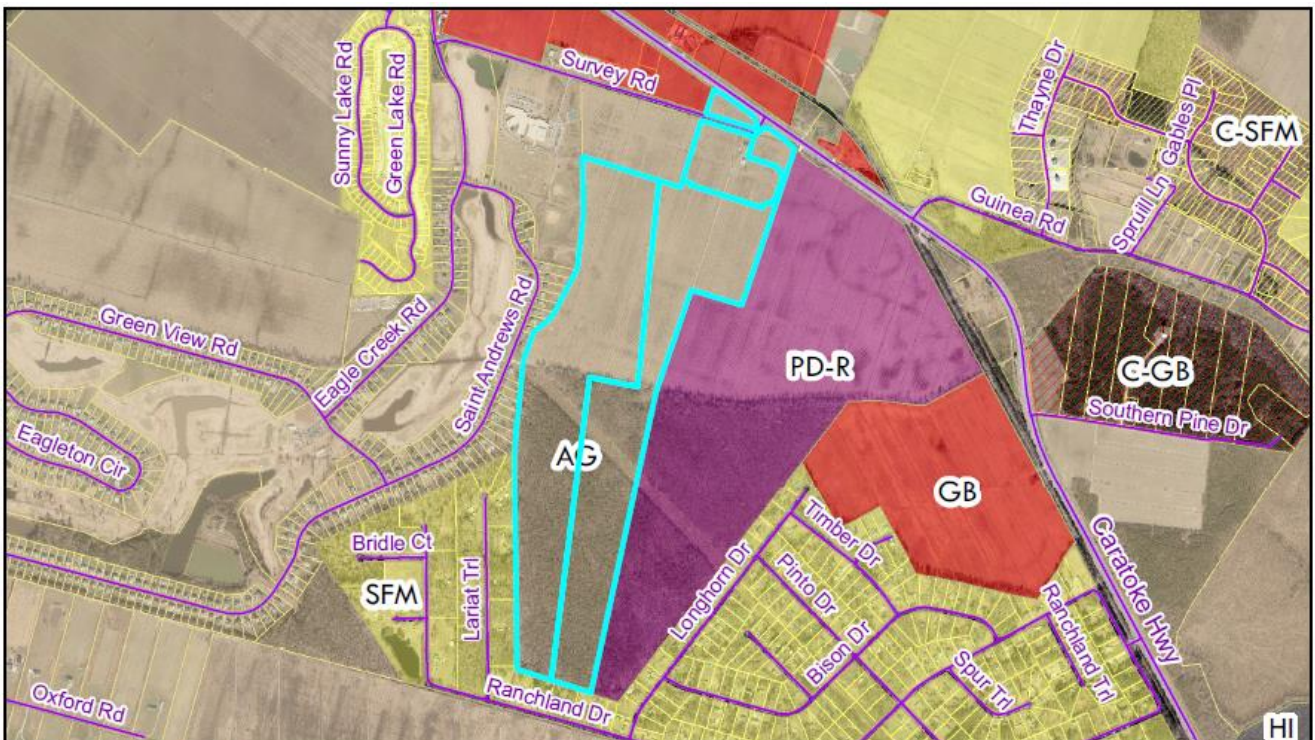
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



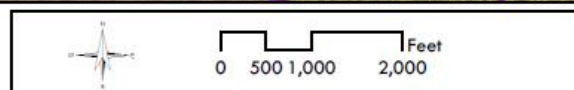
PB 21-04 Flora Farm
C-MXR
Context Map



Currituck County
Planning and
Community Development



PB 21-04 Flora Farm
C-MXR
Zoning

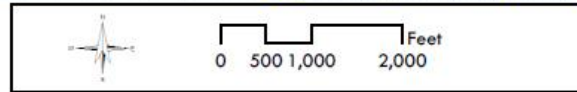


Currituck County
Planning and
Community Development

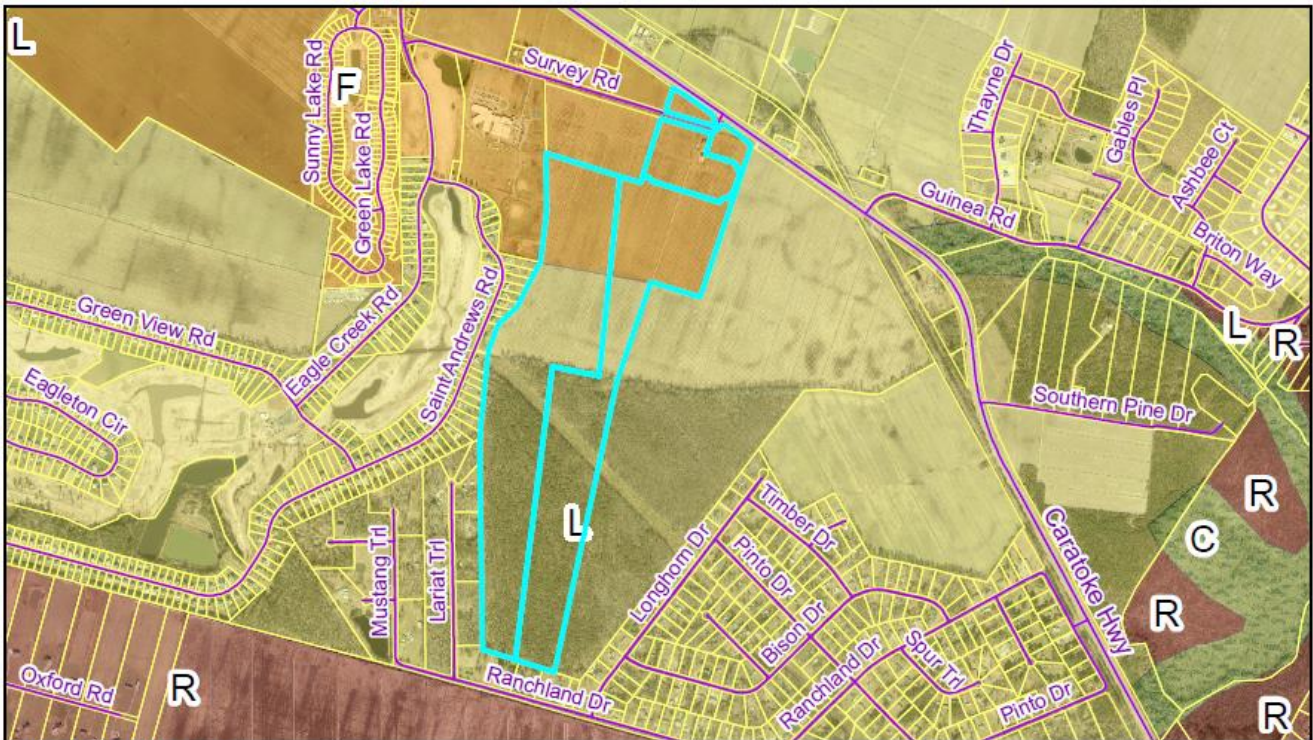
PB 21-04 Flora Farm
Conditional Rezoning
Page 15 of 18



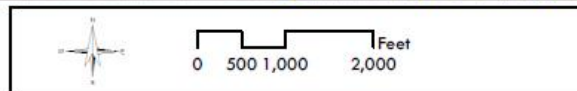
PB 21-04 Flora Farm
C-MXR
LUP Classification



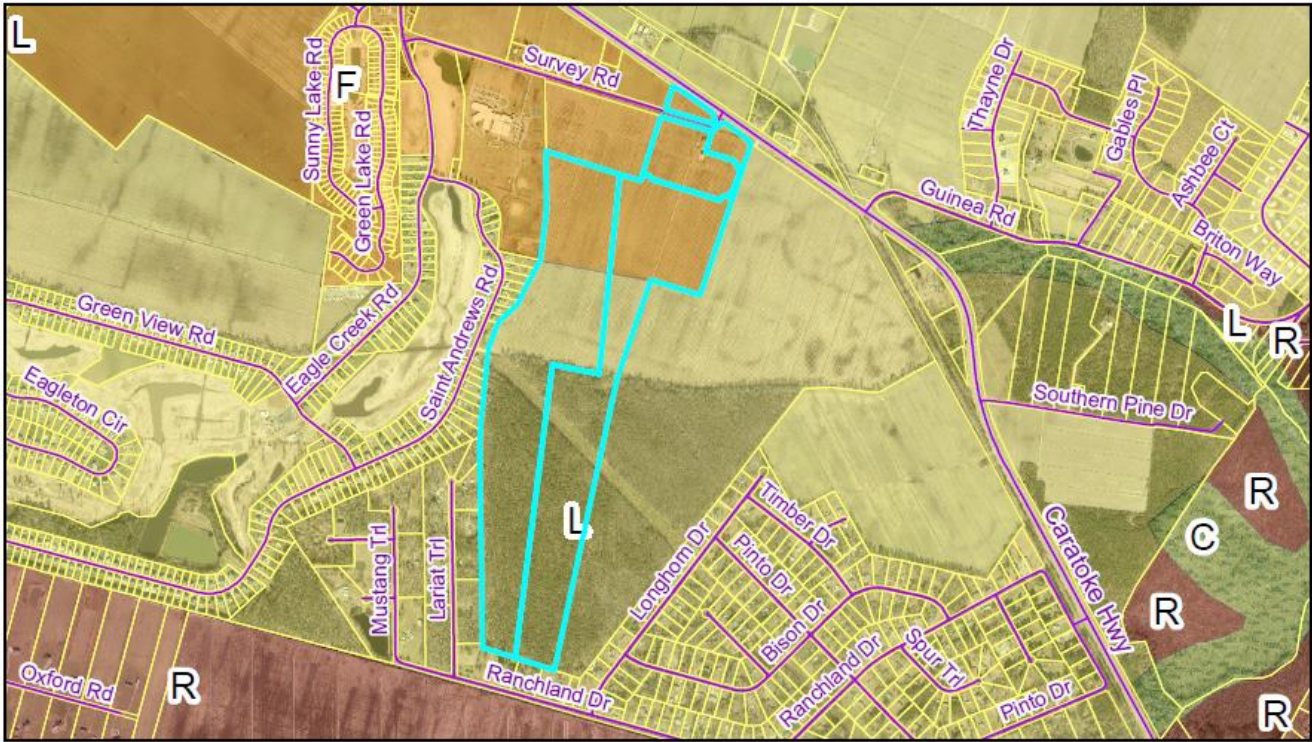
Currituck County
Planning and
Community Development



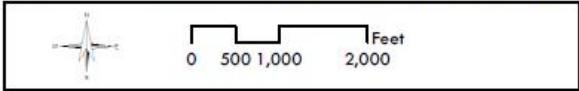
PB 21-04 Flora Farm
C-MXR
Moyock SAP Classification



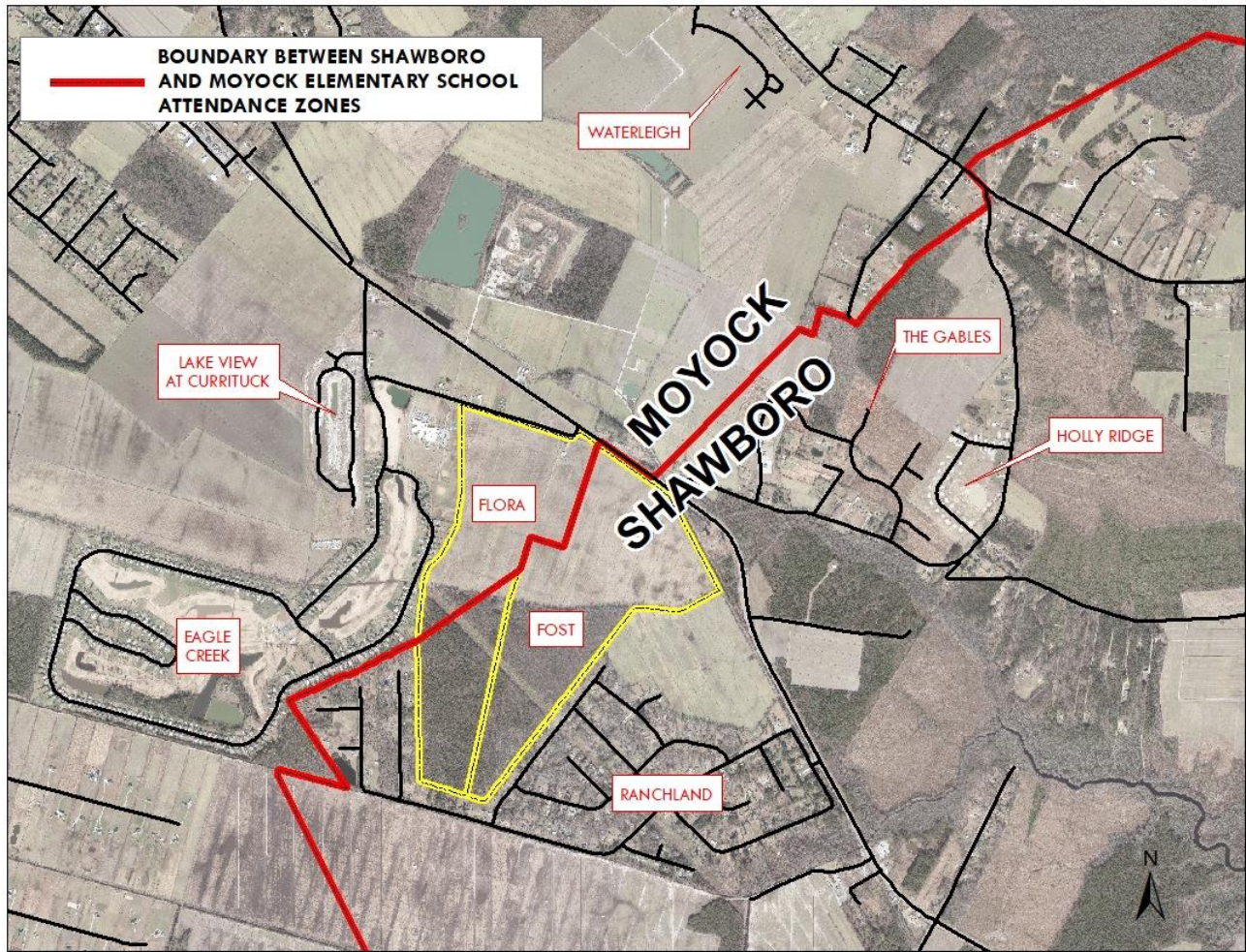
Currituck County
Planning and
Community Development



PB 21-04 Flora Farm
C-MXR
Moyock SAP Classification



Currituck County
Planning and
Community Development





MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

GENERAL DEVELOPMENT NOTES

1. PROPERTY OWNERS: JOHN J. FLORA III MARY NELL FLORA BRUMSEY
P.O. BOX 369 117 PUDDIN RIDGE ROAD
MOYOCK, NC 27958 MOYOCK, NC 27958
2. APPLICANT: NORTH SOUTH DEVELOPMENT GROUP, LLC
417-D CARATOKE HIGHWAY
MOYOCK, NC 27958
3. PROPERTY DATA: ADDRESS: CARATOKE HIGHWAY, MOYOCK, NC 27958
- PIN: 0015-000-085C-0000
D.B. 1230, PG. 402
P.C. "Q", SL. 149
14.80-ACRES (PER PLAT)
- PIN: 0015-000-0085B-0000
D.B. 1230, PG. 398 & 402
P.C. "D", SL. 315
94.53-ACRES (PER GIS)
- PIN: 0015-000-085A-0000
D.B. 1230, PG. 398 & 402
P.C. "D", SL. 315
111.78-ACRES (PER GIS)
- SUBDIVISION TOTAL ACREAGE: 202.44 ACRES
(DOES NOT INCLUDE 1.47 ACRE R/W DEDICATION OF A 30' STRIP ALONG SURVEY ROAD)
4. ZONING: EXISTING: AGRICULTURAL (AG)
PROPOSED: C-MXR

<i>Sheet Number</i>	<i>Sheet Title</i>
1	COVER SHEET, DEVELOPMENT NOTES & SITE LOCATION
2	EXISTING CONDITIONS & SITE FEATURES PLAN
3	PRELIMINARY MASTER PLAN - OVERALL
4	PRELIMINARY PLAN - COMMERCIAL
5	PRELIMINARY STORMWATER MANAGEMENT PLAN
6	PRELIMINARY UTILITIES PLAN
7	PRELIMINARY PHASING PLAN

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PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

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DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW,WGY	APPROVED: BPG
SHEET: 1 OF 7	
CAD FILE: 468000MP5	
PROJECT NO: 4680	

COVER SHEET, DEVELOPMENT
NOTES & SITE LOCATION

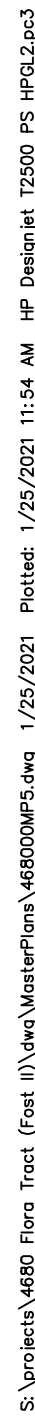
FLORA FARM MXR SUBDIVISION
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PRELIMINARY MASTER PLAN

BISSELL
PROFESSIONAL GROUP

Engineers, Planners, Surveyors
and Environmental Specialists

Bissell Professional Group
P.O. Box 9-045
3519 North Croatan Highway
P.O. Box 1008
Waynesville, North Carolina 27949
(252) 261-3268
(252) 261-3268
FAX (252) 281-1760



**EXISTING CONDITIONS &
SITE FEATURES PLAN**

PROJECT: **FLORA FARM MXR SUBDIVISION**
 MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PRELIMINARY MASTER PLAN

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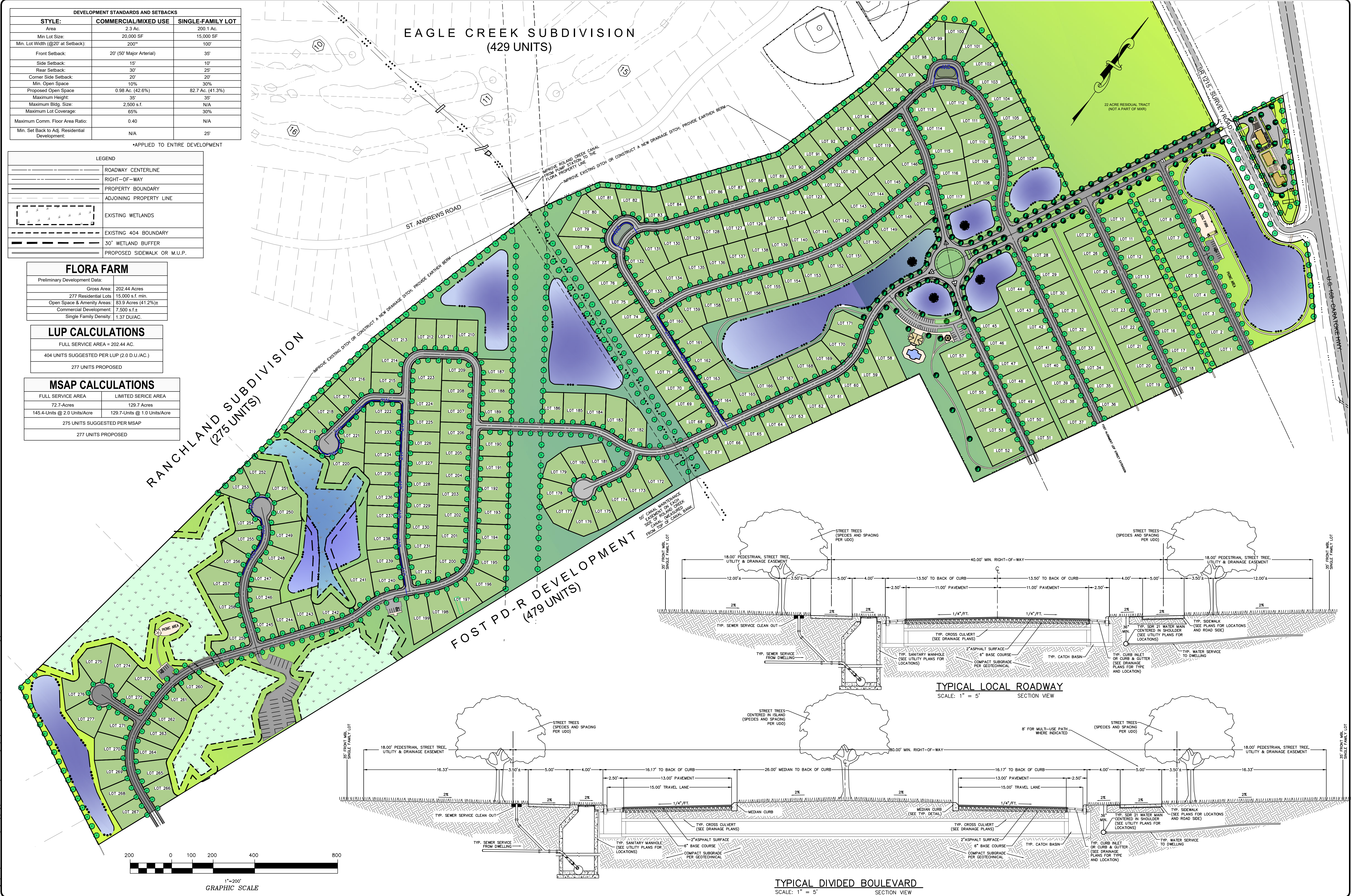
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DRAWN: KFW	APPROVED: BPG

SHEET:

2 OF 7

CAD FILE:
468000MP5

PROJECT NO:
4680



Bissell Professional Group
Firm License # C-956
P.O. Box 1008
Kitty Hawk, North Carolina 27949
FAX (252) 281-1760

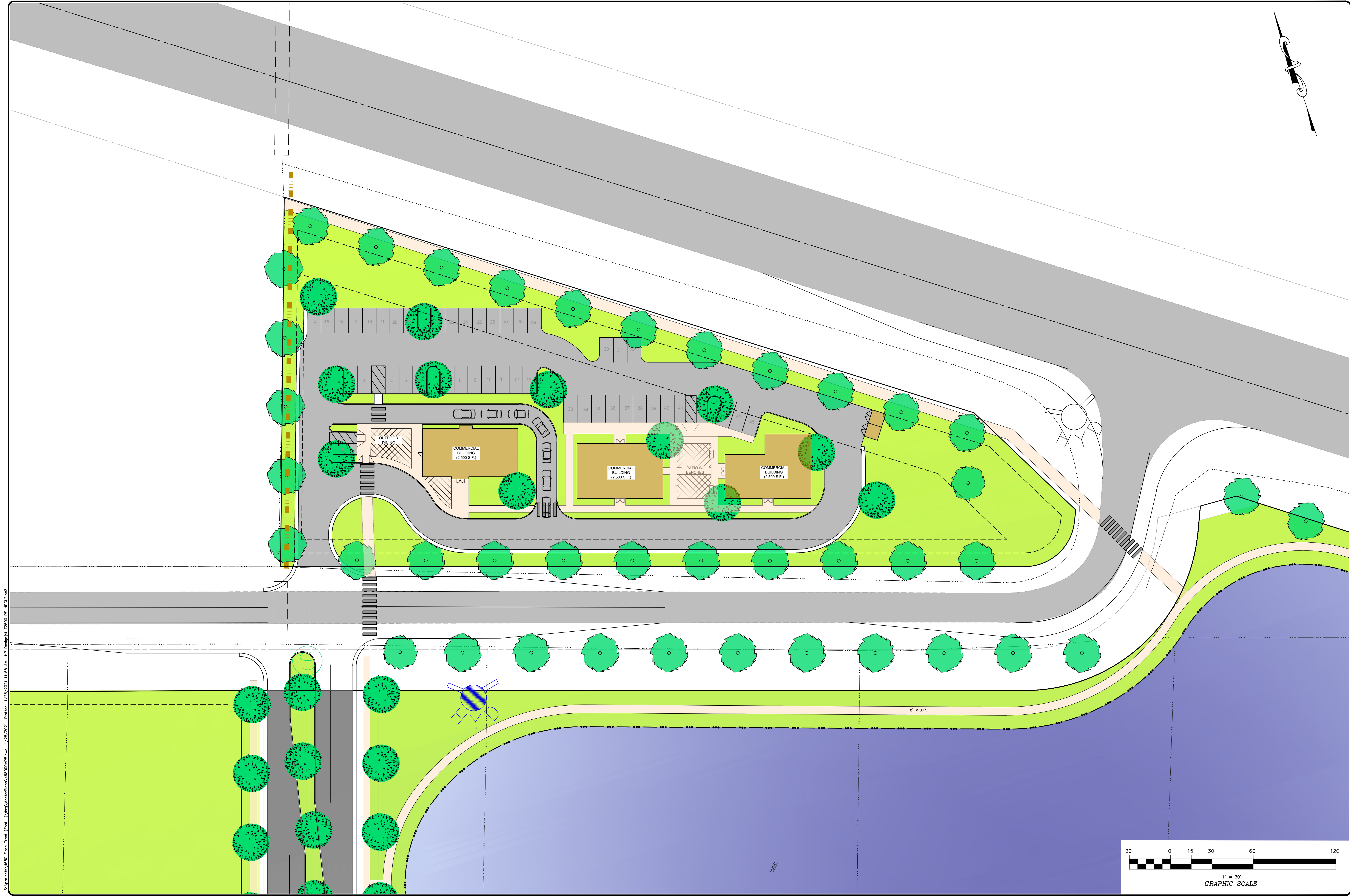
BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

PRELIMINARY MASTER PLAN - OVERALL

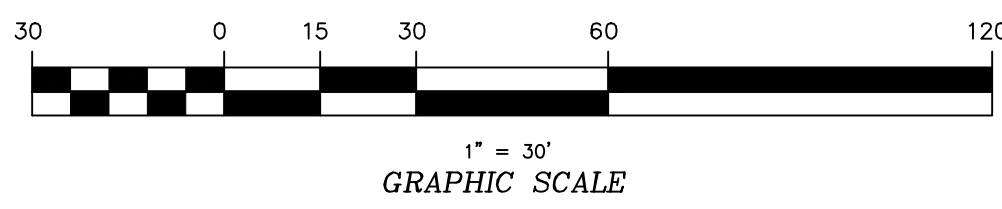
FLORA FARM MXR SUBDIVISION
NORTH CAROLINA
CURRITUCK COUNTY
MOYOCK TOWNSHIP

PRELIMINARY MASTER PLAN

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CONSTRUCTION

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SHEET:	4	OF	7
CAD FILE:	468000MP5		
PROJECT NO:	4680		

PROJECT: **FLORA FARM MXR SUBDIVISION**
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PRELIMINARY MASTER PLAN

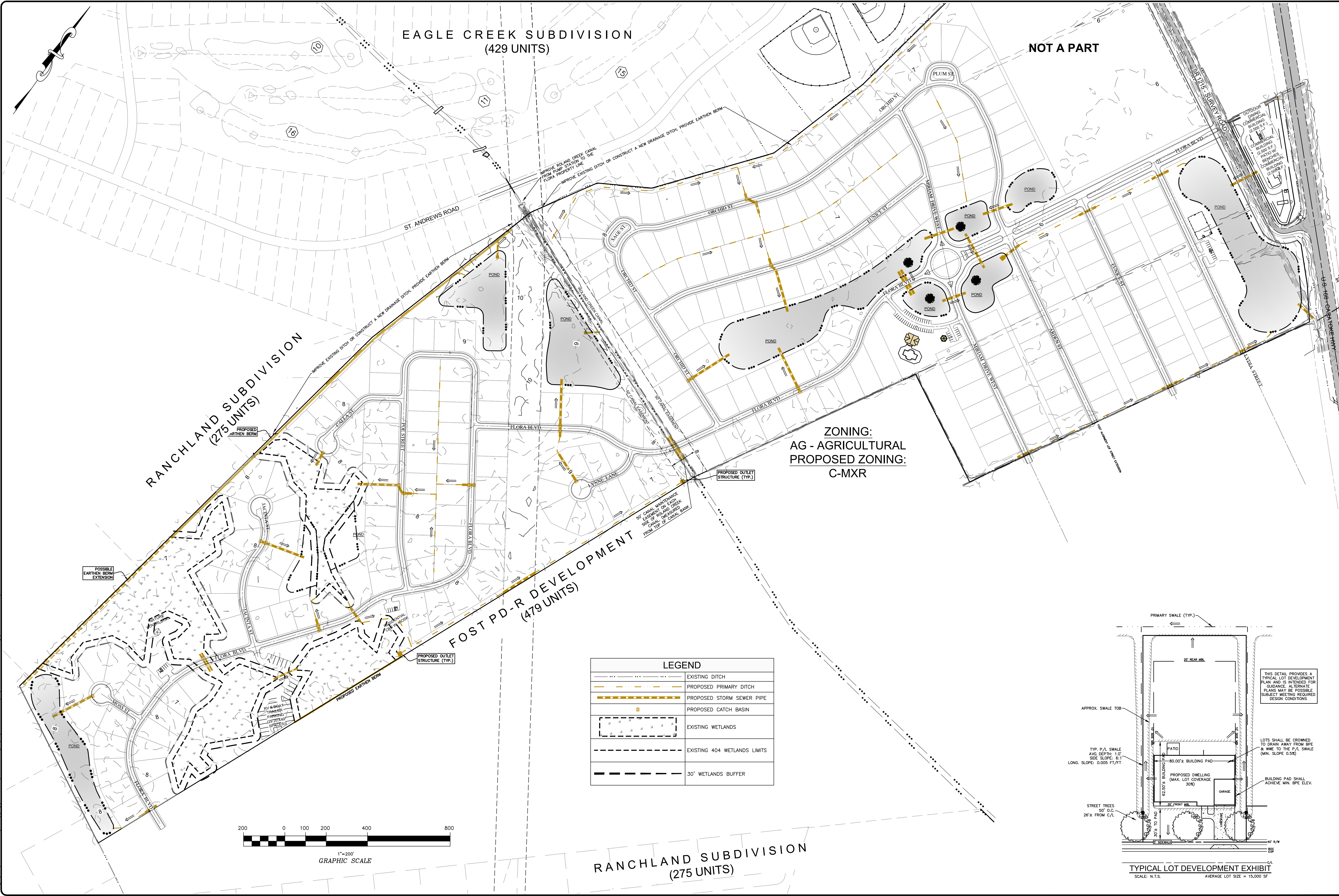
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- COMMERCIAL

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BISSELL
PROFESSIONAL GROUP

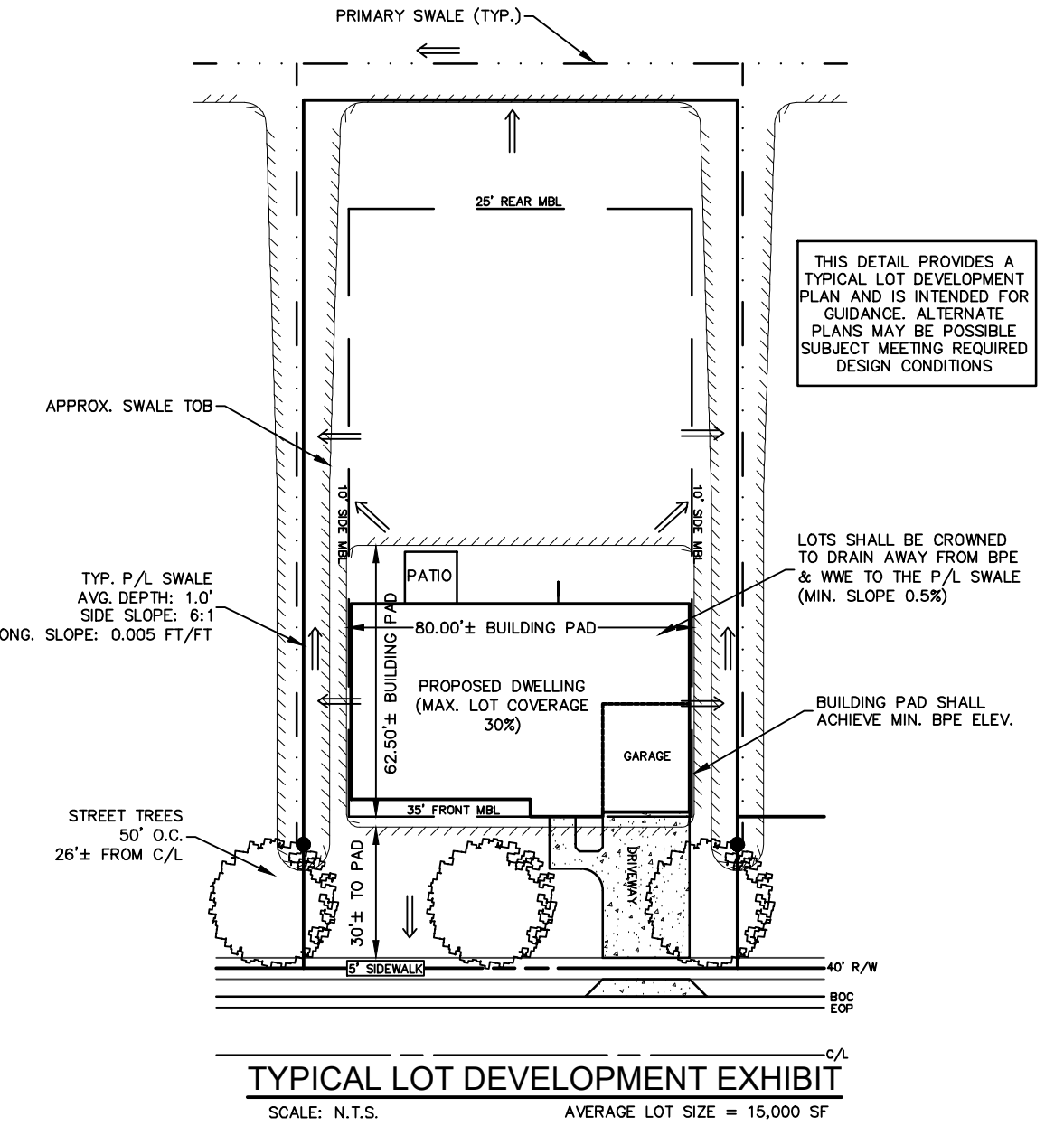
Bissell, Professional Group
Firm License # C-965
1000 North Carolina Highway
P.O. Box 1008
Kitty Hawk, North Carolina 27549
Tel: (252) 281-1760
Fax: (252) 281-1760

Engineers, Planners, Surveyors
and Environmental Specialists



ZONING:
AG - AGRICULTURAL
PROPOSED ZONING:
C-MXR

LEGEND	
	EXISTING DITCH
	PROPOSED PRIMARY DITCH
	PROPOSED STORM SEWER PIPE
	PROPOSED CATCH BASIN
	EXISTING WETLANDS
	EXISTING 404 WETLANDS LIMITS
	30' WETLANDS BUFFER



BISSELL
Professional Group
Firm License # C-945
1000 North Carolina Highway
P.O. Box 1008
Kitty Hawk, North Carolina 27949
FAX (252) 281-1760

**PRELIMINARY STORMWATER
MANAGEMENT PLAN**

FLORA FARM MxR SUBDIVISION
MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA

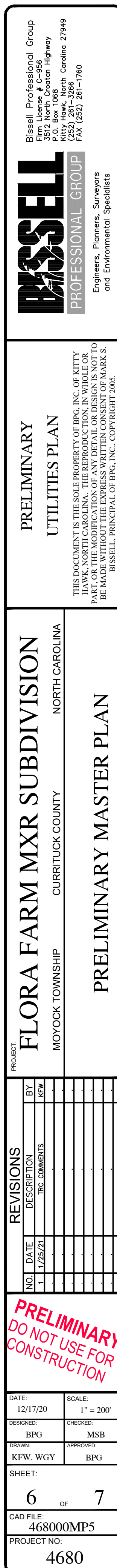
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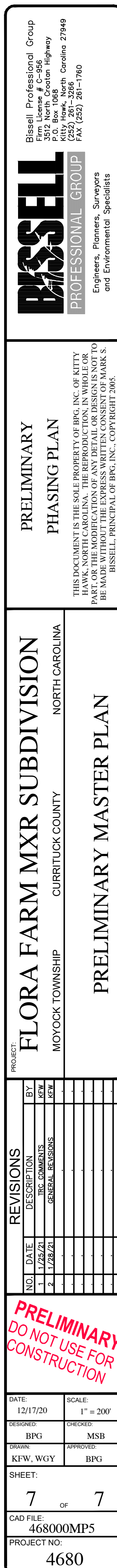
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DRAWN: KFW, WGY APPROVED: BPG
SHEET: 5 OF 7
CAD FILE: 468000MP5
PROJECT NO: 4680

Attachment: 2 1-25-21 4680-Flora Master Plans-5 (PB 21-04 Flora Farm MxR)

Packet Pg. 50







Currituck County

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

MEMORANDUM

To: Mark Bissell, Bissell Professional Group
 Justin Old, North-South Development Group

From: Tammy D. Glave, CZO, Senior Planner

Date: January 14, 2021

Re: PB 20-04 Flora Farm Conditional Rezoning, C-MXR

The following comments have been received for Flora Farm conditional rezoning request. To be placed on the March 10, 2020 Planning Board agenda, all outstanding TRC comments must be addressed and amended plans and documents received before 3:00 p.m. on February 24, 2020. TRC comments are valid for six months.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comment/Resubmit:

1. There is not adequate school capacity for this development (Moyock Elementary exceeds Actual Capacity for this school year and Committee Capacity; High Schools exceed Committed Capacity. Without adequate school capacity or school capacity programmed to be in place within two years from approval, this project is recommended for denial. Phasing a project to allow a limited number of lots (school children) per year does not meet the adequate public facilities ordinance of the UDO since school capacity is not programmed to be in place within two years from approval. There is discussion of adding on to schools; however, that plan is not yet in place.

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹				
School	2019-2020 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	106%	96%	123%	+69
Shawboro Elementary	85%			
Central Elementary	75%			
Griggs Elementary		74%	100%	0
Jarvisburg Elementary				
Knotts Island Elementary		37%	38%	0
Moyock Middle		81%	95%	+22
Currituck Middle				
Currituck High		85%	105%	+38
JP Knapp Early College				

Attachment: 4 PB 21-04 Flora CMXR TRC Comments 1-14-2021 (PB 21-04 Flora Farm: MXR)

¹Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

²Capacity percentages are based on 2019-2020 classroom standards and August 2019 ADM

³Capacity percentages are based on the 2021-2022 classroom standards and August 2019 ADM

2. Please provide the number of lots that are proposed in the Moyock Small Area Plan Limited Service district and Full Service district. It appears that 129 lots are allowed in the Limited Service district and approximately 175 are proposed. The density limits for each district must be met separately.
3. Traffic impact analysis:
 - a. The December 16, 2020 memo must be approved by NCDOT.
 - b. County staff defers to NCDOT recommendations for the type, timing, and placement of any traffic improvements. Staff still has concerns regarding the recommendation in the TIA that improvements are not made until after full build-out of the development.
 - c. Even with the reduction in the number of dwelling units and commercial area, staff has concerns that the TIA does not include the school site and may not accurately reflect the proposed conditions.
 - d. The memorandum notes "Therefore, the new site plan does not warrant an update to the Flora Farms Subdivision TIA. The trips projected in the TIA will account for all traffic that is now proposed for the site." Staff recommends that the Level of Service (LOS) rating at each intersection be updated with the new trip generation data. Or, since the new site plan does not warrant an update, does that mean the LOS at the intersections remains the same?
4. How are Nonresidential Design Standards, Building Placement (UDO Section 5.8.3.B) being met?
5. If any of the proposed earthen berms cross into wetlands, the US Army Corp of Engineers must approve the activity before any ground disturbing activity occurs.
6. Please label Survey Road Ditch, a major drainage feature.
7. The Development Standards and Setbacks table list the front setback for single-family lots as 35'. The typical lot details show 20' as the minimum front setback for single-family lots. Which is correct? Please rectify.
8. Please make sure all sidewalks are clearly identified. For example, the legend shows the sidewalk as a shade of gray; however, what appears to be a sidewalk from the dog park, going around the front pond is not a shade of gray.
9. Please list the amount of open space provided for the residential area and the non-residential area.
10. It is recommended that nothing, including landscaping/buffers, be allowed within the drainage and utility easements to allow for heavy equipment access when maintenance of the major drainageways is required.
11. Section 5.6.10 requires a sidewalk to be constructed where it will connect to existing or planned sidewalks. The Currituck Transportation Plan (CTP) indicates a future multi-use path running along Caratoke Highway this parcel. A multi-use path is typically 10 feet wide. However, since our ordinance only requires 8 feet for pedestrian paths, an 8 foot wide path will suffice. Please indicate the pedestrian easement and sidewalk on the plan.

12. There appears to be significant clearing in the wooded area. Has the site been evaluated in the wood area for heritage trees?
13. Are you proposing to fill any wetlands?

At preliminary plat/use permit submittal, the development will be reviewed for compliance with subdivision and development regulations, some of which are:

1. Call out the easement for future connection for the street stub/sidewalks if not installing to the property line. (UDO Section 5.6.5.B and 5.6.10)
2. Call out 5' non access easements on corner lots on the street with the most traffic. (UDO Section 10.3.3)
3. Call out how pedestrian crossings will be delineated. (UDO Section 5.6.10)
4. Call out sight triangles. (UDO 10.3.4)
5. Show things such as, recreation and park area dedication and detailed landscaping plan, etc.
6. Major arterial screening is required (UDO Section 5.2.8)
7. Nonresidential must be neighborhood serving businesses. Please review the non-residential design standards. Since visible from Caratoke Highway, additional design standards apply.
8. Payment-in-lieu of parkland dedication will be required.

Currituck County Chief Building Inspector (Bill Newns, 252-232-6023)

Reviewed with comment:

1. The appears to be a fire hydrant missing around the area of Moss Street.
2. No street parking signage required throughout the neighborhood.

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

Reviewed with comment:

1. Would prefer to see at least one 2.5K SF parcel out of the overall 7.5K SF commercial parcel slated to be developed in conjunction with Phase 1 at the proposed Flora Blvd and Survey Road intersection

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

Reviewed without comment.

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

Reviewed with comment:

1. It needs noting that the development is close to the MMS Baseball/Softball complex and that the residents could experience some lighting spill over while the fields and lighting systems are in use for school and county activities.

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

Reviewed with comment:

1. In the limited service area on the southern portion of the project, do the delineated wetland areas serve as collection ponds? Numerous swales and pipes are directed toward this area and there is not a big difference of elevation according to county LiDAR maps.
2. Is it possible to add pipe connection between ponds on both sides of Miriam Drive West to assist in drawdown rates?

3. All previous comments from TRC sessions apply up to Construction Drawing phase.

Currituck County Utilities Director (Will Rumsey, 252-232-2769)

Reviewed without comment.

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

Reviewed with comment:

1. Wastewater system will need to be reviewed and approved by the NC Department of Environmental Quality (Washington Regional Office).

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

Reviewed without comment.

US Post Office (Local)

Please contact the post office regarding method of mail delivery.

Mediacom (252-482-5583)

See attached letter.

Comments Not Received From:

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

NC Department of Transportation, District Engineer (David Otts, 252-331-4860)

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans
- 1 – 8.5 x 11" reduced copy
- 1- PDF digital copy of all revised or new documents and plans.

**Kim Mason, NC Area Director**
kmason@mediacomcc.com

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

As you know the key need for all homes in this 21st Century is a solid internet connection, be it for business, education or entertainment, the public demand is here.

With this in mind, as you plan for your development and build out, we would like to encourage you to reach out to us, as you do for other essential utilities. It is most economical and reasonable for you to work with us and have this valuable infrastructure in advance of selling and building the homes. Any build out costs can easily be recouped as the lots are developed and make your neighborhoods more appealing to families and professionals.

We invite you to partner with us and contact us locally. We will process a ROI for your location to determine partnership feasibility and estimated cost to ensure your development has access to the best internet services available.

Our key contacts are, Kim Mason, Director for North Carolina – information above and our construction coordinator Nathaniel Harris at 252- 793-5256 or 252-339-9375.

Mediacom launched 1-Gig broadband speeds in the following areas of North Carolina and operates customer service offices in Edenton and Plymouth.

Bertie County

Colerain

Kelford

Lewiston

Powellsville

Roxobel

Windsor

Camden County

Camden

Shiloh

South Mills

Martin County

Jamesville

Northampton County

Conway

Galatia

Jackson

Rich Square

Seaboard

Severn

Woodland

Chowan County

Arrowhead / Chowan Beach

Edenton

Currituck County

Barco

Currituck

Grandy

Moyock

Point Harbor

Poplar Branch

Tulls Bay

Perquimans County

Hertford

Winfall

Tyrrell County

Columbia

Washington County

Creswell

Plymouth

Roper

About Mediacom Communications

Mediacom Communications Corporation is the 5th largest cable operator in the U.S. serving over 1.3 million customers in smaller markets primarily in the Midwest and Southeast. Mediacom offers a wide array of information, communications and entertainment services to households and businesses, including video, high-speed data, phone, and home security and automation. Through Mediacom Business, the company provides innovative broadband solutions to commercial and public sector customers of all sizes and sells advertising and production services under the OnMedia brand. More information about Mediacom is available at www.mediacomcable.com.

We look forward to partnering with you to ensure your projects are successful and your development has the best services available for your buyers.

Best regards,

Kim Mason

Operations Director, North Carolina



Memorandum

To: Mark S. Bissell, PE
Bissell Professional Group

Date: December 16, 2020

Project #: 39134.00

From: Andrew Topp, PE, PTOE
Senior Project Manager

Re: Flora Farms Trip Generation Update – Moyock, North Carolina

Project Background

VHB Engineering NC, P.C (VHB) completed the Flora Farms Subdivision TIA (dated April 14th, 2020) to analyze the impacts that the proposed Flora Farms development would have on the surrounding roadway network in Moyock, North Carolina. The site plan is being amended to reduce multiple land uses that were proposed in the traffic analysis. This memorandum states the new land use totals that will be proposed with the Flora Farms site and summarizes the differences between the existing trip generation for the site (from April 2020) and the new trip generation reduction that will be expected with the updated land use totals.

Trip Generation Methodology and Results

Trip generation calculations for the Flora Farms site were prepared using the *ITE Trip Generation Manual, 10th Edition* and guidance from the *NCDOT Congestion Management Rate vs. Equation Spreadsheet*. Based on the available guidance, it was determined that LUC 210 (Single-Family Detached Housing), LUC 220 (Multifamily Housing (Low-Rise)), and LUC 820 (General Retail) would be the most appropriate uses to include for the trip generation calculations.

April 2020 Trip Generation Results

Originally, the Flora Farms site proposed to construct 285 single-family homes, 125 multifamily units (apartments or townhomes), and 100,000 square feet (sf) of general retail space. Table 1 shows the trip generation results for the site plan that was submitted in April 2020. As shown in Table 1, the site was expected to generate 8,380 daily external site trips with 463 external site trips (189 entering, 274 exiting) occurring during the AM peak hour and 717 external site trips (393 entering, 324 exiting) occurring during the PM peak hour. Of the expected 717 PM peak hour external site trips, a total of 155 trips were calculated to be pass-by site trips.

Attachment: 5 Flora Farms Trip Gen Update - 12-16-2020 (PB 21-04 Flora Farm: MXR)



From: Andrew Topp, PE, PTOE
 Ref: Flora Farms Trip Generation Update
 December 16, 2020
 Page 2

Memorandum

Table 1: April 2020 Trip Generation Results

Land Use Code ¹	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips ²									
210	Single-Family Detached Housing	285 du	2,725	52	155	207	175	103	278
220	Multifamily Housing (Low-Rise)	125 du	904	14	45	59	45	27	72
820	General Retail	100,000 sf	6,012	125	77	202	261	282	543
Development Total			9,641	191	277	468	481	412	893
Trip Reduction Due to Internal Capture ³									
210	Single-Family Detached Housing	285 du	406	1	2	2	54	16	70
220	Multifamily Housing (Low-Rise)	125 du	129	0	0	1	14	4	18
820	General Retail	100,000 sf	726	1	1	2	20	68	88
Development Total			1,262	2	3	5	88	88	176
Total External Site Trips									
210	Single-Family Detached Housing	285 du	2,319	51	153	204	121	87	208
220	Multifamily Housing (Low-Rise)	125 du	775	14	45	59	31	23	54
820	General Retail	100,000 sf	5,286	124	76	200	241	214	455
Development Total			8,380	189	274	463	393	324	717
Pass-by Site Trips ⁴									
210	Single-Family Detached Housing	285 du		0	0	0	0	0	0
220	Multifamily Housing (Low-Rise)	125 du		0	0	0	0	0	0
820	General Retail	100,000 sf		0	0	0	77	78	155
Development Total				0	0	0	77	78	155
No-Pass-by Site Trips									
210	Single-Family Detached Housing	285 du		51	153	204	121	87	208
220	Multifamily Housing (Low-Rise)	125 du		14	45	59	31	23	54
820	General Retail	100,000 sf		124	76	200	164	136	300
Development Total				189	274	463	316	246	562

Notes:

1. Land Use Code and trip generation rates are determined based on ITE Trip Generation, 10th Edition
2. Total site trips are determined based on the suggested method in the NCDOT Rate Vs Equation Spreadsheet
3. Internal capture was based on NCHRP 684 method and NCDOT IC calculation spreadsheet
4. Unconstrained pass-by trips are calculated based on ITE Trip Generation Handbook, 3rd Edition. The final projections are not expected to exceed 10% of adjacent street volumes.

November 2020 Trip Generation Update

The Flora Farms site plan will be amended to reduce the size of the total development. The site now proposes to construct 277 single-family homes and up to 7,500-sf of general retail space. Table 2 shows the trip generation results for the new land use totals. As shown in Table 2, the site is now expected to generate 3,652 daily external site trips with 352 external site trips (144 entering, 208 exiting) occurring during the AM peak hour and 348 external site trips (207 entering, 141 exiting) occurring during the PM peak hour.

Attachment: 5 Flora Farms Trip Gen Update - 12-16-2020 (PB 21-04 Flora Farm: MXR)



From: Andrew Topp, PE, PTOE
 Ref: Flora Farms Trip Generation Update
 December 16, 2020
 Page 3

Memorandum

Table 2: November 2020 Trip Generation Results

Land Use Code ¹	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips ²									
210	Single-Family Detached Housing	277 du	2,655	50	151	201	170	100	270
820	General Retail	7,500 sf	1,033	96	60	156	38	42	80
Development Total			3,688	146	211	357	208	142	350
Trip Reduction Due to Internal Capture ³									
210	Single-Family Detached Housing	277 du	23	1	2	3	1	0	1
820	General Retail	7,500 sf	13	1	1	2	0	1	1
Development Total			36	2	3	5	1	1	2
Total External Site Trips									
210	Single-Family Detached Housing	277 du	2,632	49	149	198	169	100	269
820	General Retail	7,500 sf	1,020	95	59	154	38	41	79
Development Total			3,652	144	208	352	207	141	348
Pass-by Site Trips ⁴									
210	Single-Family Detached Housing	277 du		0	0	0	0	0	0
820	General Retail	7,500 sf		0	0	0	13	14	27
Development Total				0	0	0	13	14	27
Non-Pass-by Site Trips									
210	Single-Family Detached Housing	277 du		49	149	198	169	100	269
820	General Retail	7,500 sf		95	59	154	25	27	52
Development Total				144	208	352	194	127	321

Notes:

1. Land Use Code and trip generation rates are determined based on *ITE Trip Generation, 10th Edition*
2. Total site trips are determined based on the suggested method in the NCDOT Rate Vs Equation Spreadsheet
3. Internal capture was based on NCHRP 684 method and NCDOT IC calculation spreadsheet
4. Unconstrained pass-by trips are calculated based on *ITE Trip Generation Handbook, 3rd Edition*. The final projections are not expected to exceed 10% of adjacent street volumes.

Findings and Conclusions

As a result, the updated Flora Farms site is expected to generate fewer total trips than what was analyzed in April 2020. Table 3 shows the percent reduction in site trips for the calculated daily, AM peak hour, and PM peak hour external site trips. The lane use totals are expected to reduce the AM peak hour trips by approximately 24% and the PM peak hour site trips by approximately 51%.

Attachment: 5 Flora Farms Trip Gen Update - 12-16-2020 (PB 21-04 Flora Farm: MXR)



From: Andrew Topp, PE, PTOE
 Ref: Flora Farms Trip Generation Update
 December 16, 2020
 Page 4

Memorandum

Table 3: Trip Generation Differences

Trip Type	ADT	AM Peak Hour			PM Peak Hour		
		Enter	Exit	Total	Enter	Exit	Total
Total External Site Trips							
April 2020 TIA	8,380	189	274	463	393	324	717
November 2020 Update	3,652	144	208	352	207	141	348
% Difference	-56.4%	-23.8%	-24.1%	-24.0%	-47.3%	-56.5%	-51.5%
Pass-By Trips							
April 2020 TIA	-	0	0	0	77	78	155
November 2020 Update	-	0	0	0	13	14	27
% Difference	-	-	-	-	-83.1%	-82.2%	-82.6%
Non-Pass-By Trips							
April 2020 TIA	-	189	274	463	316	246	562
November 2020 Update	-	144	208	352	194	127	321
% Difference	-	-23.8%	-24.1%	-24.0%	-38.6%	-48.4%	-42.9%

Therefore, the new site plan does not warrant an update to the Flora Farms Subdivision TIA. The trips projected in the TIA will account for all traffic that is now proposed for the site. The trip generation pages for each land use code from the *ITE Trip Generation Manual, 10th Edition* are attached at the end of this memorandum.



Attachment: 5 Flora Farms Trip Gen Update - 12-16-2020 (PB 21-04 Flora Farm: MXR)

Appendix

Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 159

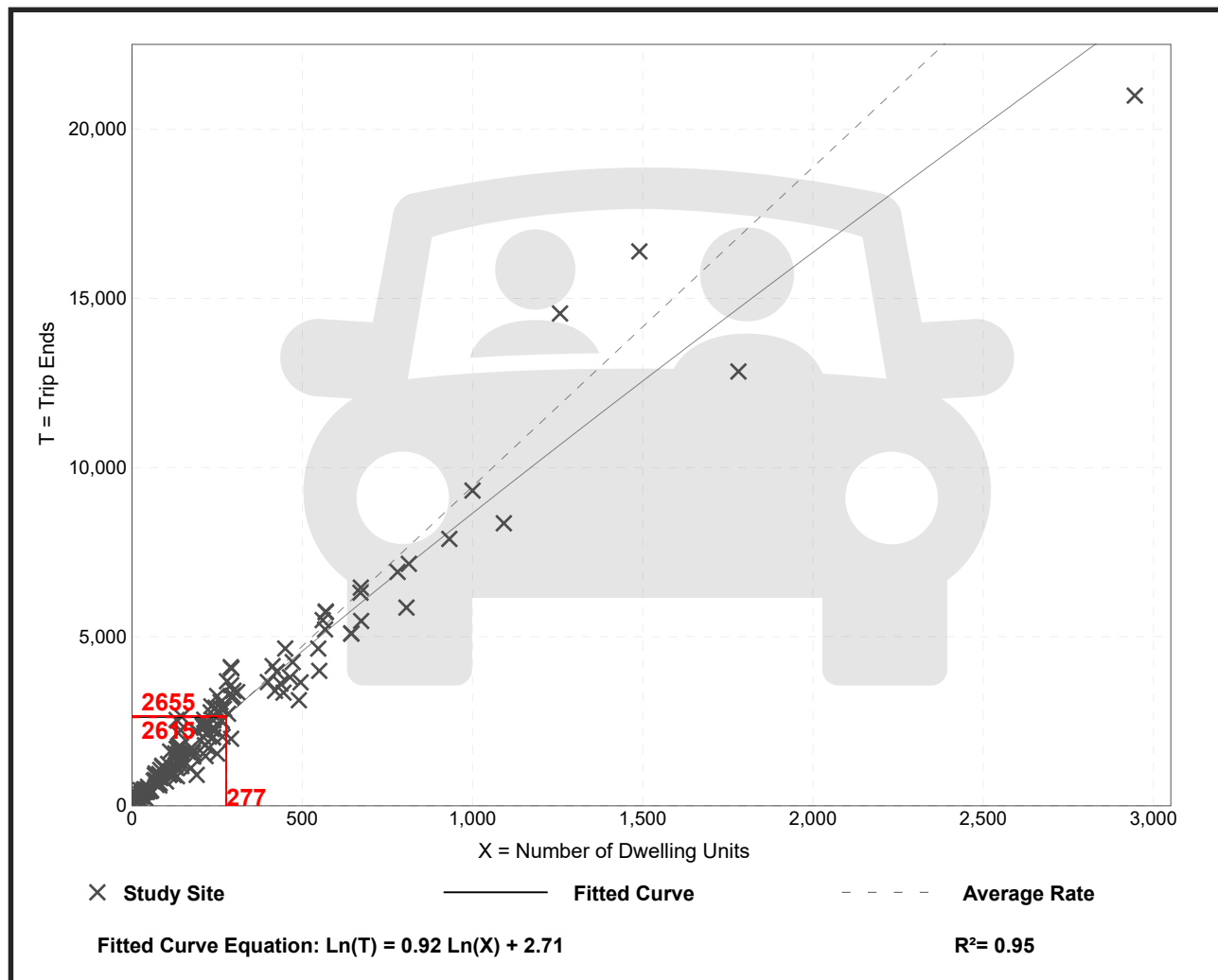
Avg. Num. of Dwelling Units: 264

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.44	4.81 - 19.39	2.10

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 173

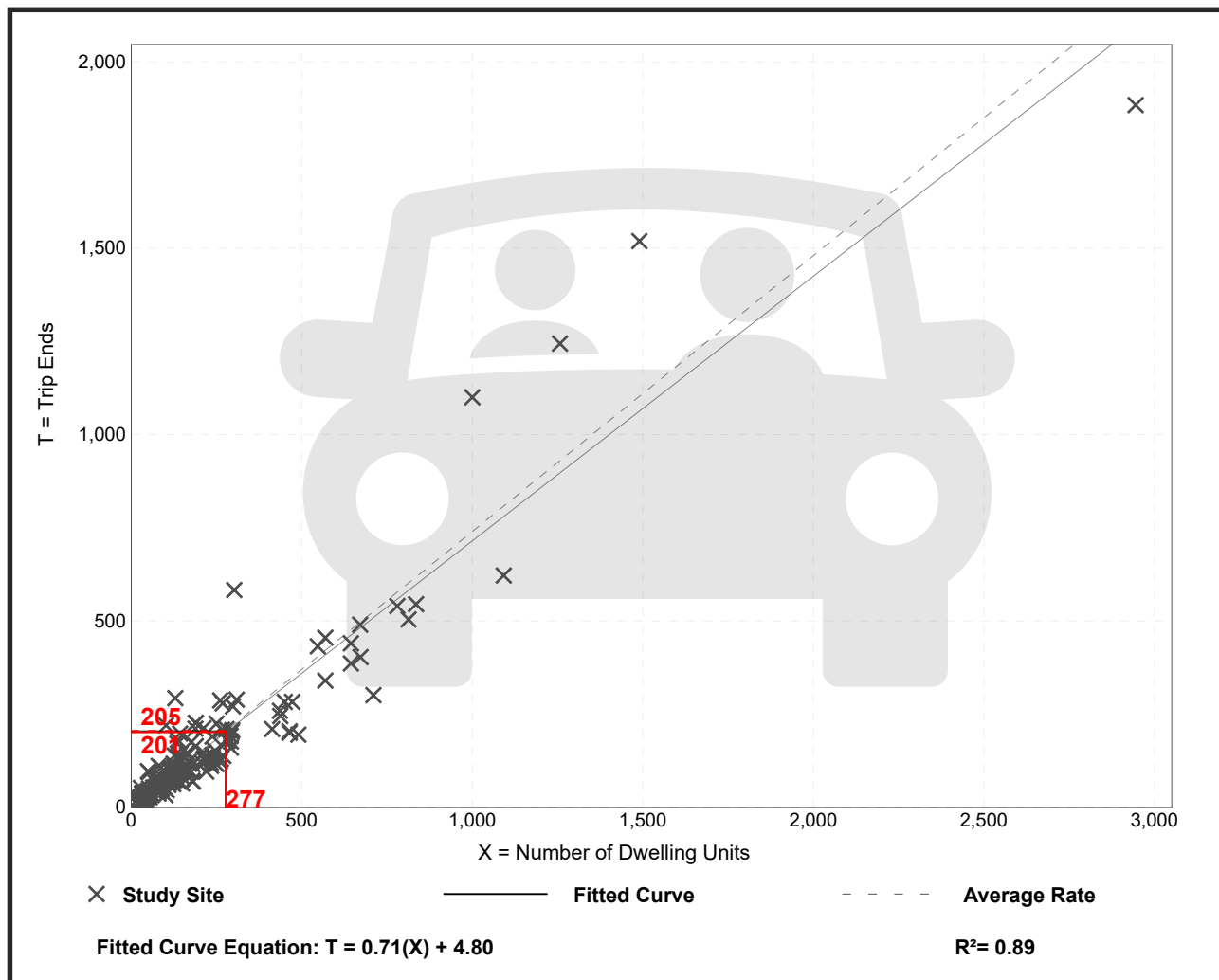
Avg. Num. of Dwelling Units: 219

Directional Distribution: 25% entering, 75% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.74	0.33 - 2.27	0.27

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 190

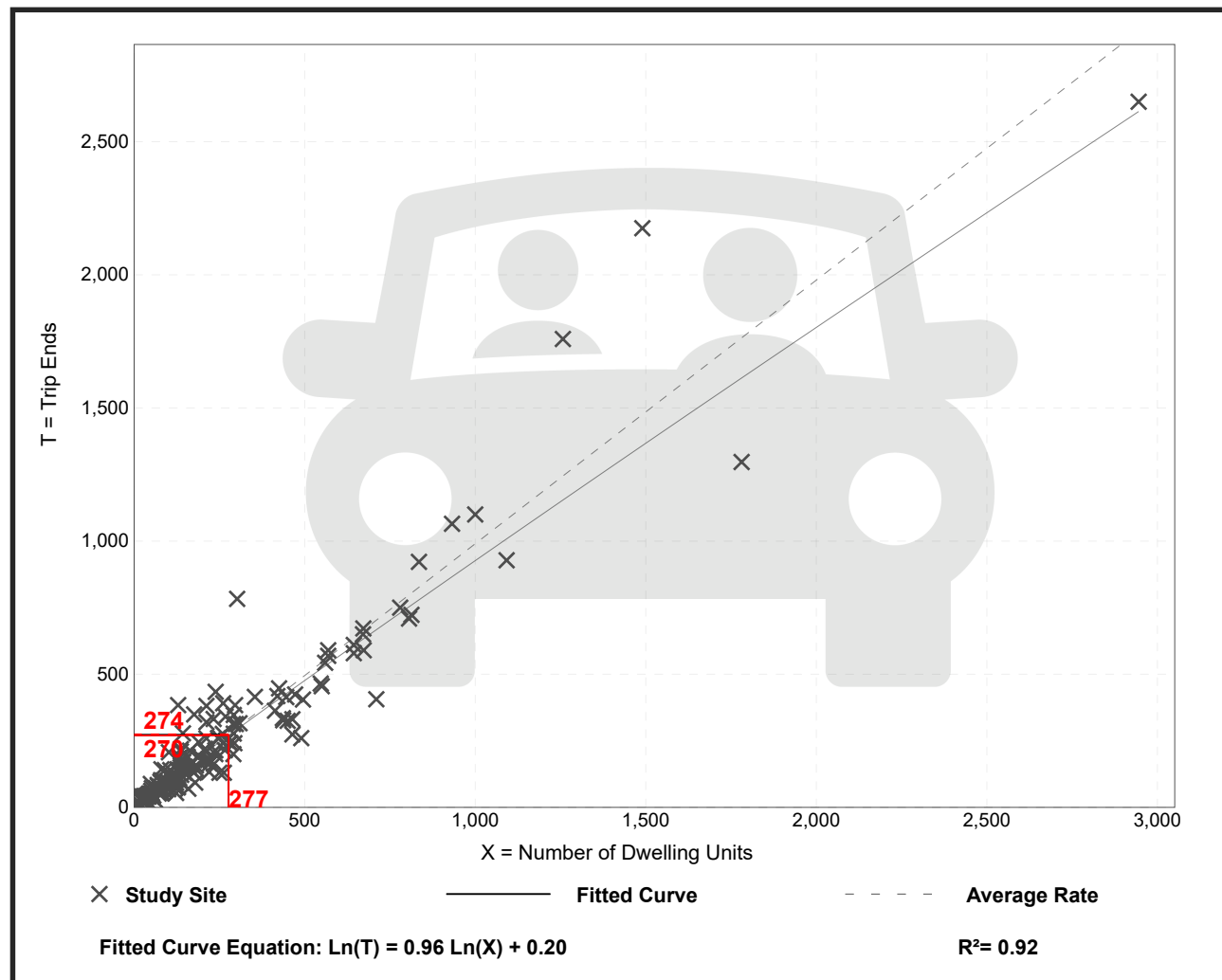
Avg. Num. of Dwelling Units: 242

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.99	0.44 - 2.98	0.31

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

Shopping Center (820)

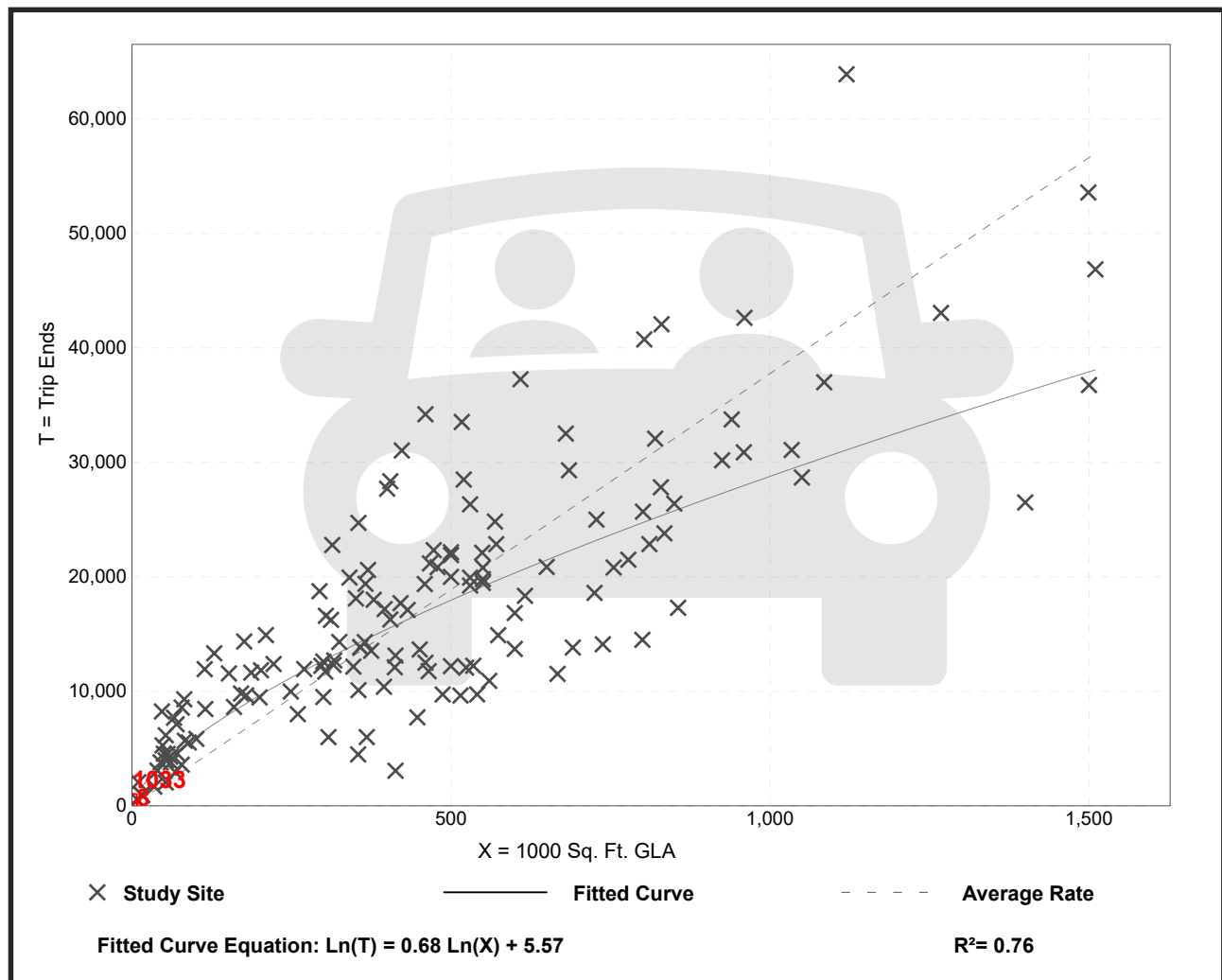
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 147
Avg. 1000 Sq. Ft. GLA: 453
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.75	7.42 - 207.98	16.41

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

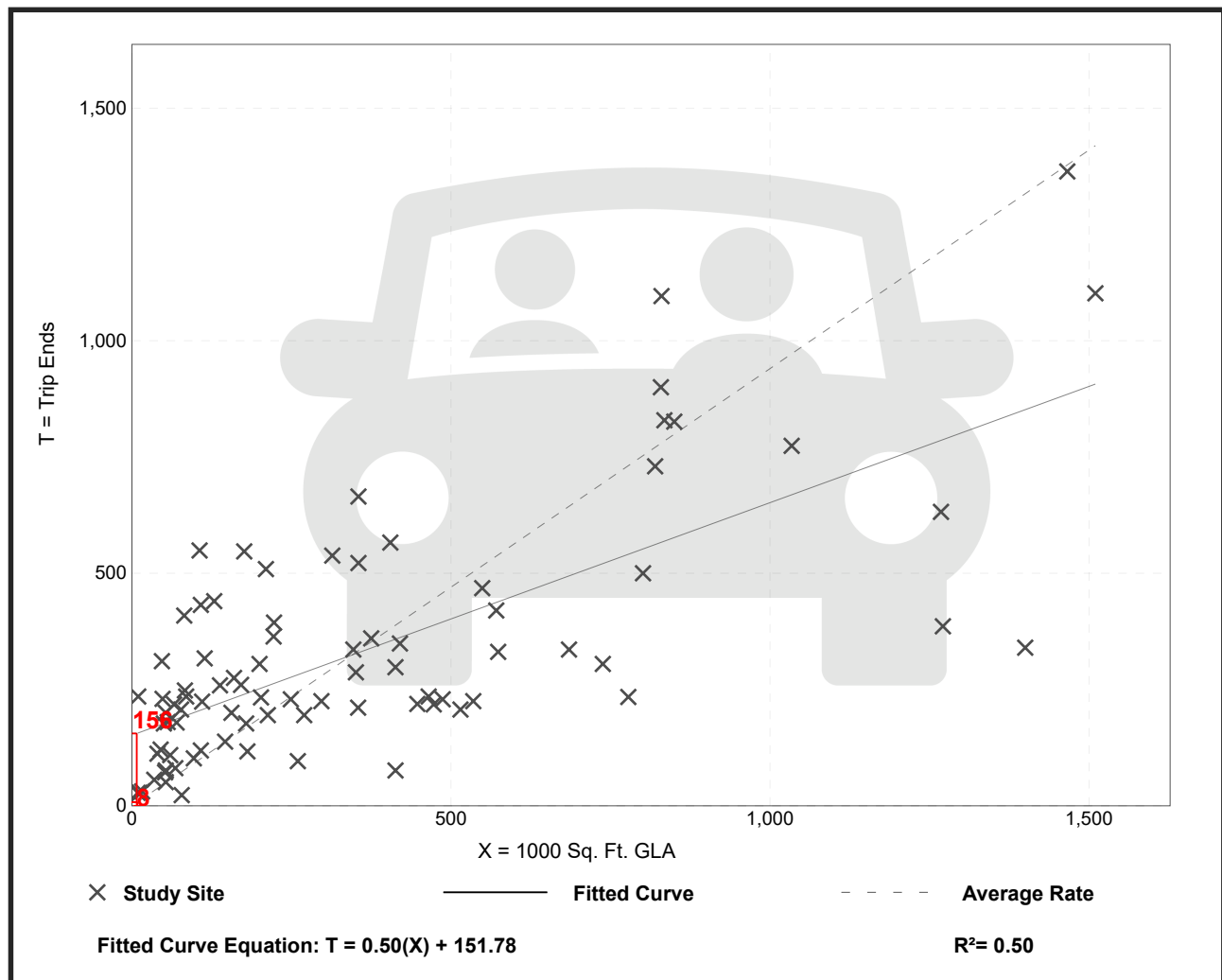
Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 84
 Avg. 1000 Sq. Ft. GLA: 351
 Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.94	0.18 - 23.74	0.87

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

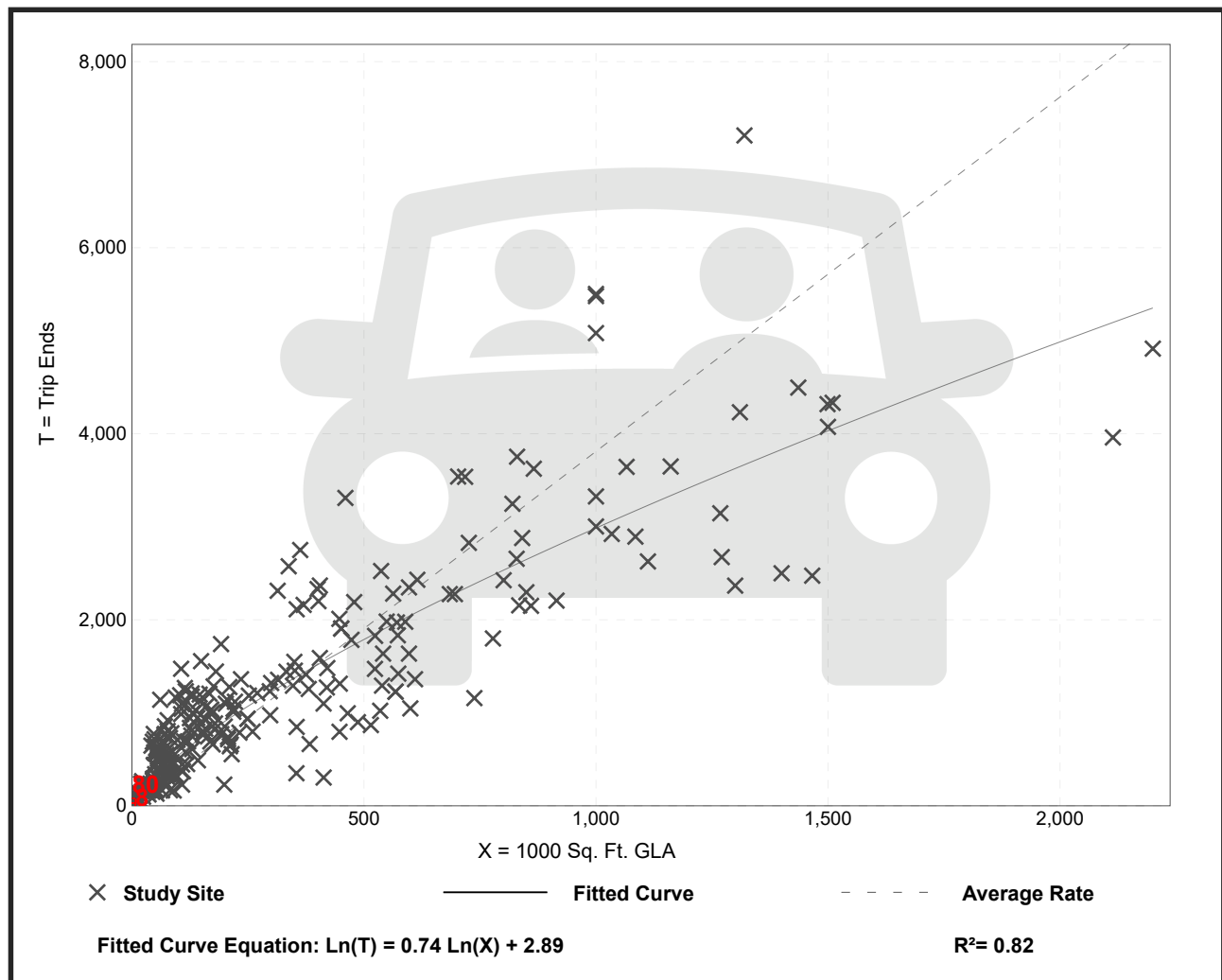
Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 261
 Avg. 1000 Sq. Ft. GLA: 327
 Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.81	0.74 - 18.69	2.04

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers















Flora MXR Rezoning Request

December 16, 2020

Scheduled Time/Place: 6:00pm, Eagle Creek Pavilion

The meeting began at 6:00pm/Meeting Ended: at approximately 7:40pm

Attendees: (See attached sign-in sheets)

Also: Laurie LoCicero, Currituck County
Justin Old, Developer
Mark Bissell, Engineer

Comments from the Community	How Addressed
Will the Ranchland property line ditch still be improved?	Yes, the ditch will be improved, laid back and put on positive grade to the outlet at Rowland Creek
Will the Ranchland property be affected?	The plan will be to do this the way it has been approved at Moyock Farms, with no excavation taking place beyond the top of the existing ditch on the Ranchland side, and widening taking place on the Flora side of the ditch.
The back of the Flora tract is being cleared, but it looks like sections of trees are to remain.	Yes, the company that is harvesting the timber has been asked to keep several stands of trees within the environmentally sensitive areas.
Will the proposed berm go all the way back?	The berm, which will be located on the Flora side of the improved ditch, will go back at least to the wetlands in the back.
It would be good if it could extend back farther.	We will look into permitting to extend it across the wetlands as well.
Will the ditch be constructed first (what will the timing be)?	It is proposed that drainage improvements such as completing the Rowland Creek improvements and the Ranchland/Eagle Creek property line ditch improvements be constructed with the first phase of development.
What about a school?	Decisions about a school site have been delayed since the existing schools are being expanded. A 22 acre parcel is being reserved for possible future use as a school site.

What will the price of houses be?	It will be about 2 years before any houses are constructed so it is uncertain what the pricing will be at this time.
What improvements will take place in Phase 1?	Phase 1 will involve drainage improvements up near Survey Road, as well as drainage improvements in the back along the common line with Ranchland and Eagle Creek. Drainage ponds will be constructed phase by phase.
What is the status of Moyock Farms?	It is in the final stages of permitting and should get under construction in the spring.
How close will the hydrants be to Ranchland? Can we get any insurance benefit?	There will a couple of hydrants about 500' from the Ranchland boundary so they may be within 1000' of some of the homes.
The development is going to happen so lets work together to help solve the drainage problems. We think the ditches will be a big benefit.	We agree and will commit to making this happen.
Who will be responsible for maintaining Rowland Creek?	The HOA will have responsibility and will be funded. There will also be a stormwater association that will work with the Fost association to maintain the major drainage way.
Lariat road is a problem on the side which drains to Guinea Mill. Will any improvements be done to Guinea Mill?	The Guinea Mill drainage district needs to become active and make decisions on spending its existing fund balance. Laurie LoCicero will pass information on to Eric Weatherly.
Why was the development plan changed?	The county commissioners thought that the previous plan was too intense for the property.
We are glad to see that the Flora development has been scaled back from what was proposed before and like this better.	Thank you.

Summary:

Six residents attended, all from Ranchland. Their questions were addressed and they seemed satisfied. There being no further questions or comments the meeting was adjourned. Several residents stayed for informal discussions.



Conditional Rezoning Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

Name: North-South Development Group, LLC

Address: 417 Caratoke Hwy., Unit D
 Moyock, NC 27958

Telephone: 252-435-2718

E-Mail Address: jold@qhoc.com

PROPERTY OWNER:

Name: John J. Flora, III/Mary Nell Flora Brunsey

Address: P.O. Box 369/117 Pudding Ridge Rd.
 Moyock, NC 27958

Telephone: 252-232-3005

E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Property Information

Physical Street Address: US Hwy. 168 and Survey Road

Location: Moyock, NC 27958

Parcel Identification Number(s): 0015-000-085A-0000, 0015-000-85B-0000 and 0015-000-085C-0000

Total Parcel(s) Acreage: 202.44AC

Existing Land Use of Property: AG

Request

Current Zoning of Property: AG

Proposed Zoning District: C-MXR

Community Meeting

Date Meeting Held: December 16, 2020

Meeting Location: Eagle Creek

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): MXR Development with 277 single-family detached lots and limited neighborhood

commercial development

Proposed Zoning Condition(s):

Please refer to Attachment "A"

An application has been duly filed requesting that the property involved with this application be rezoned from:
AG to: C-MXR

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.

Marydell Flora Bimney
 Property Owner (s)

12/17/2020
 Date

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



Conditional Rezoning Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

Name: North-South Development Group, LLC

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LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Property Information

Physical Street Address: US Hwy. 168 and Survey Road

Location: Moyock, NC 27958

Parcel Identification Number(s): 0015-000-085A-0000, 0015-000-85B-0000 and 0015-000-085C-0000

Total Parcel(s) Acreage: 202.44AC

Existing Land Use of Property: AG

Request

Current Zoning of Property: AG

Proposed Zoning District: C-MXR

Community Meeting

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commercial development

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Property Owner (s)

Date

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

Attachment "A"**Proposed Zoning Conditions – Flora Farm**Condition 1 regarding drainage improvements:

Drainage improvements will be provided as follows:

- a. Extend the Rowland Creek drainage improvements to the Eagle Creek pump station, with agreement from Eagle Creek.
- b. Make improvements to the drainage ditch that runs along the common boundary between the Fost/Brumsey property and Eagle Creek/Ranchland based on results of the stormwater modeling of existing conditions.
- c. Perform stormwater modeling of the proposed Flora Farm development to manage the 100 year storm event and provide stormwater storage, including berms as necessary.

Condition 2 regarding phasing:

- a. Development will be recorded in 5 phases. Developer will not record the first phase before June 1, 2022.
- b. The first phase will not contain more than 55 lots.
- c. Subsequent phases will not be recorded sooner than 6 months following the prior phase, and in any event no sooner than January 1, 2023.
- d. Developer will retain the right to provide an annual update of phasing, including making adjustments to phase lines and the sequence of recording, as long as the timing of total lots recorded in the above conditions is followed.



Currituck County

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

MEMORANDUM

To: Mark Bissell, Bissell Professional Group
 Justin Old, North-South Development Group

From: Tammy D. Glave, CZO, Senior Planner

Date: January 14, 2021
 Response dated January 25, 2021 is shown in green

Re: PB 20-04 Flora Farm Conditional Rezoning, C-MXR

The following comments have been received for Flora Farm conditional rezoning request. To be placed on the March 10, 2020 Planning Board agenda, all outstanding TRC comments must address and amend plans and documents received before 3:00 p.m. on February 24, 2020. TRC comments are valid for six months.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comment/Resubmit:

1. There is not adequate school capacity for this development (Moyock Elementary exceeds Actual Capacity for this school year and Committee Capacity; High Schools exceed Committed Capacity. Without adequate school capacity or school capacity programmed to be in place within two years from approval, this project is recommended for denial. Phasing a project to allow a limited number of lots (school children) per year does not meet the adequate public facilities ordinance of the UDO since school capacity is not programmed to be in place within two years from approval. There is discussion of adding on to schools; however, that plan is not yet in place.

To the extent adequate public facilities are relevant at the zoning stage, they are not required to be programmed to be in place within two years of zoning approval. In any event, we understand the County has entered agreements to expand capacity at the schools within the Moyock sub-district, and those improvements are scheduled to be in place in the near term.

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹				
School	2019-2020 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	106%	96%	123%	+69
Shawboro Elementary	85%			
Central Elementary	75%			
Griggs Elementary		74%	100%	0
Jarvisburg Elementary				

Knotts Island Elementary		37%	38%	0
Moyock Middle Currituck Middle		81%	95%	+22
Currituck High JP Knapp Early College		85%	105%	+38

¹Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

²Capacity percentages are based on 2019-2020 classroom standards and August 2019 ADM

³Capacity percentages are based on the 2021-2022 classroom standards and August 2019 ADM

2. Please provide the number of lots that are proposed in the Moyock Small Area Plan Limited Service district and Full Service district. It appears that 129 lots are allowed in the Limited Service district and approximately 175 are proposed. The density limits for each district must be met separately.

The tabulation of LUP and MSAP areas and densities that was provided on Sheet 3 of the plan set is repeated below, slightly reconfigured:

<u>Designation</u>	<u>LUP Calculations</u>	<u>MSAP Calculations</u>		<u>Total</u>
	<u>Full Service Area</u>	<u>Full Service Area</u>	<u>Ltd Service Area</u>	
Area	202.44 Ac	72.7 Ac	129.7 Ac	202.44
UDO Density	404 Units	145.4 Units	129.7 Units	275.1
Proposed	277 Units	101	176 Units	277
Total	277 Units		277 Units	

The UDO does not require that the MSAP density be strictly adhered to per district, and density can be appropriate if the overall density mix is consistent with the overall designations. It is within the County Commissioners' discretion to determine the weight to give each policy, and to determine whether proposed density is reasonable and in the public interest. Also, the County Commissioners determined in the 2019 zoning, and reaffirmed this past week in the approval of the Fost amended Use Permit, that the adjacent Fost tract, a neighboring development with 53% higher density and that is located entirely in the MSAP Limited Service district, is in conformity with the Land Use Plan and the UDO. The Flora plan appears to actually be more consistent than the Fost plan in this regard.

3. Traffic impact analysis:
 - a. The December 16, 2020 memo must be approved by NCDOT. We are anticipating DOT confirmation under separate cover. However, because the TIA and corresponding scope of a more intense development was approved by DOT

during the prior submittal for this tract, and this new proposal offers the same scope and mitigation for a much lower traffic impact, the prior acknowledgement should stand for purposes of resubmittal today,

- b. County staff defers to NCDOT recommendations for the type, timing, and placement of any traffic improvements. Staff still has concerns regarding the recommendation in the TIA that improvements are not made until after full build-out of the development. The TIA does not specifically state the improvements shouldn't come until the entire development is complete, and the improvements can be phased based on when certain phases are being constructed. The traffic consultant recommends building any turn lane improvements at the driveways along Survey Road once those two driveways are constructed. They do not recommend cutting off left-turn access on NC 168 at Survey Road until the Fost Blvd driveway is built on NC 168 and connections have been established through to the Flora Farms site. Lastly, they recommend providing the additional turn lane improvements at NC 168 and Survey Road at the same time that left-turn access will be restricted.
 - c. Even with the reduction in the number of dwelling units and commercial area, staff has concerns that the TIA does not include the school site and may not accurately reflect the proposed conditions. There is no school site in this development.
 - d. The memorandum notes "Therefore, the new site plan does not warrant an update to the Flora Farms Subdivision TIA. The trips projected in the TIA will account for all traffic that is now proposed for the site." Staff recommends that the Level of Service (LOS) rating at each intersection be updated with the new trip generation data. Or, since the new site plan does not warrant an update, does that mean the LOS at the intersections remains the same? Since the number of trips at the site has decreased, the LOS rating at each intersection will either remain the same or improve. A new table could be prepared, but there would not be any increased delays at any of the intersections.
4. How are Nonresidential Design Standards, Building Placement (UDO Section 5.8.3.B) being met? Considering the shape and configuration of the site, with roads on three sides, the 2,500 sq ft building size limitation, and the fact that there does not appear to be any other safe location for an entrance drive, we believe this updated concept included in the plan set meets the non-residential design standards to the greatest degree practicable.
 5. If any of the proposed earthen berms cross into wetlands, the US Army Corp of Engineers must approve the activity before any ground disturbing activity occurs. This requirement is acknowledged
 6. Please label Survey Road Ditch, a major drainage feature. A label has been added to sheet 2.
 7. The Development Standards and Setbacks table list the front setback for single-family lots as 35'. The typical lot details show 20' as the minimum front setback for single-

- family lots. Which is correct? Please rectify. The typical sections have been updated to match the 35' front setbacks shown in the table and on the typical lot detail.
8. Please make sure all sidewalks are clearly identified. For example, the legend shows the sidewalk as a shade of gray; however, what appears to be a sidewalk from the dog park, going around the front pond is not a shade of gray. The walkways have been reviewed and shaded per the legend; the shading is light and not always easy to see, but is easier to see on the new blow-up of the commercial area. The MUP connection from Fost has been adjusted to run around the front of the pond like at Fost, rather than showing two parallel walks.
 9. Please list the amount of open space provided for the residential area and the non-residential area. The table on sheet 3 has been updated to list them separately.
 10. It is recommended that nothing, including landscaping/buffers, be allowed within the drainage and utility easements to allow for heavy equipment access when maintenance of the major drainageways is required. We are proposed that landscaping and possible walking trails be provided to the degree they were provided in the easements on the adjacent Fost development for consistency. A determination was made with Fost that the ditches could still be properly maintained, and we would hope that the same determination could be made here.
 11. Section 5.6.10 requires a sidewalk to be constructed where it will connect to existing or planned sidewalks. The Currituck Transportation Plan (CTP) indicates a future multi-use path running along Caratoke Highway this parcel. A multi-use path is typically 10 feet wide. However, since our ordinance only requires 8 feet for pedestrian paths, an 8 foot wide path will suffice. Please indicate the pedestrian easement and sidewalk on the plan. The MUP is shown on sheets 3 and 4 of the master plan drawings.
 12. There appears to be significant clearing in the wooded area. Has the site been evaluated in the wood area for heritage trees? The land owner has sold the timber on the back part of the property, which has been harvested independently of the development process; however, the developer has coordinated with the timber company to preserve the woodlands that are in wetland areas to the greatest degree practicable.
 13. Are you proposing to fill any wetlands? There will be a roadway crossing and an earthen berm that will require COE approval.

At preliminary plat/use permit submittal, the development will be reviewed for compliance with subdivision and development regulations, some of which are:

1. Call out the easement for future connection for the street stub/sidewalks if not installing to the property line. (UDO Section 5.6.5.B and 5.6.10)
2. Call out 5' non access easements on corner lots on the street with the most traffic. (UDO Section 10.3.3)
3. Call out how pedestrian crossings will be delineated. (UDO Section 5.6.10)
4. Call out sight triangles. (UDO 10.3.4)
5. Show things such as, recreation and park area dedication and detailed landscaping plan, etc.
6. Major arterial screening is required (UDO Section 5.2.8)
7. Nonresidential must be neighborhood serving businesses. Please review the non-residential design standards. Since visible from Caratoke Highway, additional design standards apply.

8. Payment-in-lieu of parkland dedication will be required.
It is acknowledged that additional details will need to be provided at the preliminary plat stage to address these and other design parameters.

Currituck County Chief Building Inspector (Bill Newns, 252-232-6023)

Reviewed with comment:

1. The appears to be a fire hydrant missing around the area of Moss Street. A hydrant has been added at Moss Street.
2. No street parking signage required throughout the neighborhood. This requirement is acknowledged and will be shown on the preliminary plat drawings.

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

Reviewed with comment:

1. Would prefer to see at least one 2.5K SF parcel out of the overall 7.5K SF commercial parcel slated to be developed in conjunction with Phase 1 at the proposed Flora Blvd and Survey Road intersection The phasing plan has been updated to include the first part of the commercial area in the first phase. It is intended that the first pad site be made ready for development.

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

Reviewed without comment.

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

Reviewed with comment:

1. It needs noting that the development is close to the MMS Baseball/Softball complex and that the residents could experience some lighting spill over while the fields and lighting systems are in use for school and county activities. Acknowledged.

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

Reviewed with comment:

1. In the limited service area on the southern portion of the project, do the delineated wetland areas serve as collection ponds? Numerous swales and pipes are directed toward this area and there is not a big difference of elevation according to county LiDAR maps. Yes; the surrounding lots will be elevated to create some temporary storage in some of these areas.
2. Is it possible to add pipe connection between ponds on both sides of Miriam Drive West to assist in drawdown rates? We have added a culvert, but it should be noted that this layout is tentative and we will not know for certain what is required until stormwater modeling is performed at the construction drawing stage.
3. All previous comments from TRC sessions apply up to Construction Drawing phase. Acknowledged.

Currituck County Utilities Director (Will Rumsey, 252-232-2769)

Reviewed without comment.

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

Attachment: 9 1-25-21 Response to PB 21-04 Flora CMXR TRC Comments (PB 21-04 Flora Farm: MXR)

Reviewed with comment:

1. Wastewater system will need to be reviewed and approved by the NC Department of Environmental Quality (Washington Regional Office). This requirement is acknowledged. This will happen at the construction drawing stage.

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

Reviewed without comment.

US Post Office (Local)

Please contact the post office regarding method of mail delivery. The post office has been contacted and shown the CBU locations, which are similar to the previous plan.

Mediacom (252-482-5583)

See attached letter.

Comments Not Received From:

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

NC Department of Transportation, District Engineer (David Otts, 252-331-4860)

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans
- 1 – 8.5 x 11” reduced copy
- 1- PDF digital copy of all revised or new documents and plans.

**Kim Mason, NC Area Director**
kmason@mediacomcc.com

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

As you know the key need for all homes in this 21st Century is a solid internet connection, be it for business, education or entertainment, the public demand is here.

With this in mind, as you plan for your development and build out, we would like to encourage you to reach out to us, as you do for other essential utilities. It is most economical and reasonable for you to work with us and have this valuable infrastructure in advance of selling and building the homes. Any build out costs can easily be recouped as the lots are developed and make your neighborhoods more appealing to families and professionals.

We invite you to partner with us and contact us locally. We will process a ROI for your location to determine partnership feasibility and estimated cost to ensure your development has access to the best internet services available.

Our key contacts are, Kim Mason, Director for North Carolina – information above and our construction coordinator Nathaniel Harris at 252- 793-5256 or 252-339-9375.

Mediacom launched 1-Gig broadband speeds in the following areas of North Carolina and operates customer service offices in Edenton and Plymouth.

Bertie County	Martin County	Chowan County	Perquimans County
Colerain	Jamesville	Arrowhead / Chowan Beach	Hertford
Kelford	Northampton County	Edenton	Winfall
Lewiston	Conway	Currituck County	Tyrrell County
Powellsville	Galatia	Barco	Columbia
Roxobel	Jackson	Currituck	Washington County
Windsor	Rich Square	Grandy	Creswell
Camden County	Seaboard	Moyock	Plymouth
Camden	Severn	Point Harbor	Roper
Shiloh	Woodland	Poplar Branch	
South Mills		Tulls Bay	

About Mediacom Communications

Mediacom Communications Corporation is the 5th largest cable operator in the U.S. serving over 1.3 million customers in smaller markets primarily in the Midwest and Southeast. Mediacom offers a wide array of information, communications and entertainment services to households and businesses, including video, high-speed data, phone, and home security and automation. Through Mediacom Business, the company provides innovative broadband solutions to commercial and public sector customers of all sizes and sells advertising and production services under the OnMedia brand. More information about Mediacom is available at www.mediacomcable.com.

We look forward to partnering with you to ensure your projects are successful and your development has the best services available for your buyers.

Best regards,

Kim Mason
Operations Director, North Carolina

From: [Mark Bissell](#)
To: [Tammy Glave](#)
Cc: ["Justin Old"](#); ["David Klebitz"](#); ["Marcie Respass"](#)
Subject: [EXTERNAL] FW: [External] 4680 Flora Farm TRC Comments
Date: Thursday, February 11, 2021 10:08:47 AM
Attachments: [image001.png](#)
[Flora Farms Trip Gen Update - 12-16-2020.pdf](#)

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Tammy,

Forwarding this for your file.

Mark

Mark S. Bissell, PE



The Coastal Experts

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From: Otts, David B [mailto:dbotts@ncdot.gov]
Sent: Tuesday, February 09, 2021 5:07 PM
To: Mark Bissell; Justin Old
Cc: Spear, Caitlin A
Subject: RE: [External] 4680 Flora Farm TRC Comments

Good afternoon Gentlemen. The Department has reviewed the attached Flora Farms Trip Generation Update which accounts for the reduction of both commercial and residential space in the proposed Flora Farms Subdivision. Additionally, we have reviewed Mr. Nathan Rhomberg's phasing comments in red below. Both are acceptable to the Department. Please note that the referenced reduction in development will only serve to improve the Level of Service adjacent this site for which the Department has tentatively approved access.

If you have any additional questions or comments, please don't hesitate to contact me at any time.

Sincerely,

David B. Otts, P.E.
 District Engineer

Attachment: 10 NCDOT Approval (PB 21-04 Flora Farm: MXR)

Division One – District One
North Carolina Department of Transportation

(252) 331-4860 office
(252) 339-0523 mobile
dbotts@ncdot.gov

1929 North Road Street
Elizabeth City, NC 27909



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[Facebook](#) [Twitter](#) [YouTube](#)

From: Mark Bissell <mark@bissellprofessionalgroup.com>
Sent: Friday, January 22, 2021 8:18 AM
To: Otts, David B <dbotts@ncdot.gov>
Cc: David Klebitz <davek@bissellprofessionalgroup.com>; Justin Old <jold@qhoc.com>; Marcie Respass <admin@bissellprofessionalgroup.com>
Subject: Fwd: [External] 4680 Flora Farm TRC Comments

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David,

Following up on Justin's email from last night, we received this response from VHB this morning. Please let us know if you concur.

Thanks,
Mark

----- Forwarded message -----

From: **Rhomberg, Nathan** <nrhomberg@vhb.com>
Date: Fri, Jan 22, 2021 at 7:42 AM
Subject: RE: [External] 4680 Flora Farm TRC Comments
To: Mark Bissell <mark@bissellprofessionalgroup.com>
CC: Justin Old <jold@qhoc.com>, Dave Klebitz <davek@bissellprofessionalgroup.com>, Marcie Respass <admin@bissellprofessionalgroup.com>

Attachment: 10 NCDOT Approval (PB 21-04 Flora Farm: MXR)

Good Morning Mark,

My responses to these comments are in red. Let me know how you'd like us to proceed with the County. We can be quite flexible with the implementation of roadway improvements for Flora Farms, and they can likely be phased based on what is best for the development of the site.

Nathan Rhomberg, EI
Transportation Analyst

O 919.829.0328 | P 984.960.5092
www.vhb.com

From: Mark Bissell <mark@bissellprofessionalgroup.com>
Sent: Thursday, January 21, 2021 3:47 PM
To: Rhomberg, Nathan <nrhomberg@VHB.com>
Cc: 'Justin Old' <jold@qhoc.com>; 'Dave Klebitz' <davek@bissellprofessionalgroup.com>; 'Marcie Respass' <admin@bissellprofessionalgroup.com>
Subject: [External] 4680 Flora Farm TRC Comments

Nathan,

We have received TRC comments from Currituck County. Can you address the following two comments that pertain to the TIA memo?

- a. County staff defers to NCDOT recommendations for the type, timing, and placement of any traffic improvements. Staff still has concerns regarding the recommendation in the TIA that improvements are not made until after full build-out of the development. – I don't think the TIA has ever specifically said the improvements shouldn't come until the entire development is complete, and the improvements can be phased based on when certain phases are being constructed. We would recommend building any turn lane improvements at the driveways along Survey Road once those two driveways are constructed. We would not recommend cutting off left-turn access on NC 168 at Survey Road until the Fost Blvd driveway is built on NC 168 and connections have been established through to the Flora Farms site. Lastly, we would recommend to provide the additional turn lane improvements at NC 168 and Survey Road at the same time that left-turn access will be restricted.
- b. The memorandum notes "Therefore, the new site plan does not warrant an update to the Flora Farms Subdivision TIA. The trips projected in the TIA will account for all traffic that is now proposed for the site." Staff recommends that the Level of Service (LOS) rating at each intersection be updated with the new trip generation data. Or, since the new site plan does not warrant an update, does that mean the LOS at the intersections remains the same? – Since the number of trips at the site has decreased, the LOS rating at each intersection will either remain the same or improve. We can export a new table to share

with the County, but they would not see any increased delays at any intersections.

Thanks,
Mark

Mark S. Bissell, PE



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Attachment: 10 NCDOT Approval (PB 21-04 Flora Farm: MXR)

STATEMENT OF COMPLIANCE WITH U.D.O. STANDARDS

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:

A. The zoning map amendment is consistent with the following policies of the Currituck County Land Use Plan ("LUP"): The project is consistent with the Land Use Plan policies addressing density, recreational and open space, transportation infrastructure, and utilities:

i. Density: The project is located within the Full Service Area of the Land Use Plan, and proposes a density of 1.37 units per acre. The proposed use will include residential development in village like-clusters and will include open spaces surrounding the clusters, helping to prevent traditional suburban sprawl. The applicant is proposing centralized sewer, and the Full Service Area designation recognizes higher density (above 2 units per acre) is appropriate here. The proposed use will not interfere with nearby resource production activities. This is consistent with the County's density designations because development is occurring along Caratoke Highway, a major transportation corridor, and is an infill site between two existing residential subdivisions. This is consistent with the following Land Use Plan policies:

POLICY AG6: *For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes. LUP, p. 9-7.*

POLICY HN1: *Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre.... LUP, p. 9-7.*

POLICY HN3: *Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl...COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map. LUP, p. 9-7.*

ii. Utilities:

Stormwater: The applicant is aware of stormwater drainage issues in the surrounding properties and has conducted a stormwater study to investigate causes in Rowland

Creek, within and downstream from the property. That study has shown significant restrictions to flow on both on- and off-site properties, which the applicant has committed to remove and restore with the off-site landowners' consent. The applicant is also placing significant drainage facilities on site to collect and control its own water. The applicant plans to model the 100-year storm event and to manage stormwater runoff from that event. These commitments will provide a public benefit to the County by improving existing drainage problems with private funds, and providing a responsible mechanism for the site and surrounding areas to drain.

Wastewater: The project is within the Full Service Area of the Land Use Plan. The applicant intends to connect to an existing major wastewater utility at Eagle Creek, which will be regulated by the NC Utilities Commission will give that system new funds for upgrades, repair, and maintenance. Thus, the development will have a positive impact on sewer facilities and will not strain the County's infrastructure, consistent with the Full Service Area designation which anticipates additional density on this site.

This is consistent with the following Land Use Plan policies:

POLICY WS7: *Currituck County allows for the appropriate use of PACKAGE SEWAGE TREATMENT PLANTS as a means of achieving more efficient land use, while properly disposing of waste. Such systems shall have a permanent organizational ownership to guarantee their proper management, including operation, maintenance and replacement needs. Depending on their location in the county, such systems may be required to have a design that allows for assimilation into a centralized system at a future date. LUP, p. 9-13.*

POLICY WO3: *Currituck County supports policies, plans and actions that help protect the water quality of the county's estuarine system by preventing SOIL EROSION AND SEDIMENTATION, and by controlling the quantity and quality of STORMWATER RUNOFF entering the estuary. LUP, p. 9-17.*

POLICY WO4: *RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed pre-development volumes. LUP, p. 9-17.*

iii. Recreational and Open Space: The project will provide for sidewalks, greenways, and walking trails to encourage mobility by pedestrians and bicyclists. It also preserves a significant amount of open space and natural features throughout to promote recreation and preserve natural areas. This is consistent with the following Land Use Plan policies:

POLICY TR9: *BIKEWAY FACILITIES shall be encouraged as energy-efficient, healthful, and environmentally sound alternatives to the automobile. The inclusion of bikeways, sidewalks, trails, and other alternatives to the automobile shall be encouraged in both public and private developments. LUP, p. 9-11.*

POLICY PR4: *The County shall seek to identify, plan for and develop a system of OPEN SPACE GREENWAYS, HIKING and BIKING TRAILS as opportunities may allow. The use of (1) natural corridors such as streams and floodplains, and (2) man-made corridors such as utility and transportation rights-of-way and easements, shall be emphasized. LUP, p. 9-14.*

POLICY PR6: *All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development. The amount of open space and improvements may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development. Fees in lieu of land dedication shall be based on the inflation adjusted assessed value of the development or subdivision for property tax purposes. LUP, p. 9-14.*

iv. Transportation infrastructure: As set forth in the master plan, the project will provide for paved public roadways and drainage infrastructure, and will include convenient circulation within the proposed neighborhood, as well as interconnectivity with the adjacent Fost development. This is consistent with the following Land Use Plan policies:

POLICY TR12: *New residential developments shall provide for the installation of PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE at the time of development. This policy is intended to prevent the creation of substandard developments that must later correct for infrastructure problems that could have been avoided, had they been installed properly from the beginning.... LUP, p. 9-11.*

POLICY TR8: *Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists. Care shall be taken to encourage local street "connectivity" without creating opportunities for cut-through traffic from outside the connected areas. LUP, p. 9-11.*

B. The proposed use is consistent with the following provisions of the Moyock Area Policy Emphasis of the Land Use Plan:

Moyock Area Policy Emphasis: *The policy emphasis of this plan is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending*

upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

Clustered housing developments, with open space required by ordinance, will need to be encouraged. If sewage treatment collection systems are built, whether publicly or privately, all such systems should be designed so as to allow them to be tied together into a single system at some point in the future. LUP, p. 11-4.

The proposed use will include clustered housing accompanied by open spaces. The applicant is proposing privately developed sewer to avoid strain on County infrastructure. The site is eligible for connection to existing central sewer in the area. Because the wastewater system will be part of a central sewer system, and the 1.37 units/acre is below the 3-4 units per acre allowed where central sewer is available, the proposed use is consistent with the Moyock Area Policy Emphasis.

C. The proposed use is consistent with the Future Land Use Map.

The Currituck County Future Land Use Map designates the site as a Full Service area. In Full Service areas, residential density can be increased to 3-4 units per acre depending on the available services. A greater diversity in housing types is also appropriate in Full Service Areas. The proposed use will have only 1.37 units per acre, which is within the contemplated development densities from Section 3.4.6 of the UDO for MXR districts (up to 2 units per acre).

D. The proposed use is consistent with the following policies and action items of the Moyock Area Small Area Plan ("SAP"):

The proposed use will include open spaces, sidewalks, greenways, and walking trails to for recreational purposes, and a clubhouse for community gathering. The plan will provide for connections to Ranchland, as appropriate. The applicant has studied the existing stormwater drainage issues and will ensure that the project improves these issues.

POLICY TR 2: *Ensure that development is designed with an interconnected, multi-modal transportation network between neighborhoods, activity centers, and other destinations to improve mobility and emergency access. Development of an interconnected road network east and west of Highway 16 that allows north-south movement for local residential traffic is strongly encouraged. SAP, p. 16.*

POLICY IS 1: *The costs of infrastructure, facilities, and services related to new growth and development should be borne primarily by those creating the demand. SAP, p. 17.*

POLICY IS 4: *Ensure that stormwater runoff, soil erosion, and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas. SAP, p. 17.*

POLICY R-1: *Expand and develop recreational opportunities for all ages and users including access to the water and natural environment, walking trails, multi-purpose fields, multi-purpose community building, and other non-traditional types of recreational opportunities that are consistent with the Currituck County Parks and Recreation Master Plan. SUP, p. 21.*

E. The proposed use is consistent with the applicable provisions of the Unified Development Ordinance, Section 3.4.6 in the following ways:

- i.* The proposed use is residential at a moderate density;
- ii.* The proposed use falls well below the permissible gross residential density form Full Service areas of up to three units per acre.
- iii.* The proposed use has only limited, low intensity neighborhood-serving commercial,
- iv.* The proposed use contains minimum wetland/riparian buffers of 30 ft.; and
- v.* The proposed use will have more than 30% open space.

2. Is in conflict with any provision of this Ordinance, or the County Code of Ordinances:

The project is consistent with the Full Service Area designation of the Future Land Use Map and the relevant densities and policies provided therein. The UDO indicates density of this district may not exceed 2 units per acre in Full Service areas. The UDO defines "Full Service Area" as "Portions of the county designated in the 2006 Land Use Plan as areas where the full range public infrastructure can and should be provided. Given the anticipated presence of public infrastructure, these areas are the most appropriate for increased growth and development, as anticipated by the Land Use Plan. The locations of Full Service Areas are shown in the 2006 Land Use Plan." UDO 10.58. The Land Use Plan is defined as the plan adopted in 2006 by the Board of County Commissioners. UDO 10.63.

Although the Small Area Plan map lists this site as a mixture of Full Service and limited service, it specifically states that "[t]he map should be used in conjunction with the entire plan and not weighted as more important than the vision, policies, or other recommendations." Because the proposed use is consistent with the Future Land Use Map designation and policies, and consistent with the vision policies and other provisions set forth in herein, the requested map amendment is consistent with the Ordinance.

3. Is required by changed conditions:

The County has recognized and acknowledged the changing conditions of the Moyock area through the Imagine Currituck initiative. Moyock is a growing community and the proposed zoning map amendment will address the need for additional residential development. The site is near existing residential development and is a suitable location for new residential development to address the increased demand.

4. Addresses a demonstrated community need:

Currituck County, and specifically the Moyock area have a demonstrated need for more residential development. The site is a suitable location for residential development to address this increased demand. In addition, the proposed use will include improvements to stormwater controls that will help to improve stormwater runoff problems in the adjacent Ranchland community.

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:

The site is adjacent to non-agricultural activities including the Ranchland neighborhood and the Eagle Creek neighborhood, and is adjacent to the approved Fost development. The proposed use is compatible with these adjacent uses and furthers the County's goal of concentrating new residential development in the vicinity of existing residential development. The proposed MXR district is also the appropriate zoning designation for the land because it will allow for organized and cohesive development of the 202 acre site.

6. Adversely impacts nearby lands:

The proposed use may positively impact nearby lands because the proposed use will include improvements to stormwater controls that will help to improve stormwater runoff problems in the adjacent Ranchland community, and will enhance drainage downstream of the Eagle Creek community.

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

The site is adjacent to non-agricultural activities including the Ranchland neighborhood and the Eagle Creek neighborhood, and is adjacent to the approved Fost development. Therefore, residential development at this site furthers the County's goal of concentrating residential and commercial developments in the same area. Furthermore, the MXR zoning category allows for more logical and orderly development of large tracts such as this 202 acre site, and limit traditional suburban sprawl.

8. **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**

The applicant is not aware of any potential, significant adverse impacts on the natural environment. The proposed use will positively impact nearby lands by improving stormwater controls to mitigate runoff problems in the adjacent Ranchland community. The proposed use will include landscaping, tree plantings and will include large open spaces that benefit and preserve the natural environment. The proposed use will also preserve wetlands and wetland buffers on the site.

9. **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):**

The site has adequate access to NC 168 via Survey Road and via interconnectivity with the adjacent Fost development, and will be adequately served by schools, police, fire, and emergency services. The applicant will make additional stormwater improvements to ensure that stormwater management will be adequately provided, and will connect to existing water and wastewater public utilities. The committed phasing schedule ensures that lots will be developed over time and in a manner that provides gradual completion of lots and enrollment of students, such that adequate school capacity is available.

10. **Would not result in significantly adverse impacts on the land values in the surrounding area; and**

The applicant is not aware of any adverse impacts on the land values in the surrounding area. The applicant anticipates that its proposed stormwater improvements may benefit the property values of the nearby Ranchland community. The Development is anticipated to increase the values of nearby properties by improving existing drainage problems.

11. **Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.**

As set forth in detail above, the proposed use is consistent with the applicable provisions of the UDO and the Future Land Use plan. The proposed use also satisfies a demonstrated need for residential development and is in the public interest by alleviating drainage issues and relying on private sewer.

Meeting Exhibit
3.1.2021

PB 21-04-Flora Farm
Rezoning - MXR.

6.B.I

Currituck Water & Sewer, LLC
4700 Homewood Ct., Suite 108
Raleigh, North Carolina 27609

February 25, 2021

Mr. Justin Old
Allied Properties, LLC
417 Caratoke Hwy., Unit D
Moyock, NC 27958

Re: Flora, Moyock North Carolina

To Whom it May Concern,
Currituck Water & Sewer (CWS) is currently working through the regulatory approvals to allow to acquire the Eagle Creek Wastewater Treatment Facility serving the Eagle Creek community. CWS intends to provide wastewater services to surrounding developments **as approved by the County**. We understand the project to include 277 residential dwelling units or an estimated 62,000 gpd of sewer flow. The Eagle Creek WWTP has capacity and is able to adequately treat wastewater from this project.

Upon approval by Currituck County, Currituck Water and Sewer, LLC intends to provide sanitary sewer utility services to the 277 residential dwelling units as the Flora Project.

Should you have any questions, please do not hesitate to contact me directly at (252) 235-4900 or by email at mmyers@envirolinkinc.com.

Thank you for your attention to this matter.

Sincerely,
Currituck Water and Sewer, LLC

Attachment: PB 21-04_Flora Farm-Currituck Water & Sewer Letter of Intent (PB 21-04 Flora Farm: MXR)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3038

Agenda Item Title: PB 18-23 Fost, Amended PD-R #3:

Submitted By: Tammy Glave – Planning & Community Development

Item Type: Legislative

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

Leif Street stub connection to the Flora Farm property on the northwestern property line.

Planning Board Recommendation: Approval with Conditions

Staff Recommendation: Approval with Conditions

TRC Recommendation: Approval with Conditions



STAFF REPORT

PB 18-23 FOST TRACT #3 AMENDED PD-R

BOARD OF COMMISSIONERS

MARCH 1, 2021

APPLICATION SUMMARY

Property Owner: Moyock Development LLC 417 Caratoke Hwy Unit D Moyock NC 27958	Applicant: Moyock Development LLC 417 Caratoke Hwy Unit D Moyock NC 27958
Case Number: PB 18-23	Application Type: Amended Planned Development – Residential #3
Parcel Identification Number: 0015-000-0086-0000	Existing Use: Planned Development – Residential under construction
Land Use Plan Classification: Full Service	Parcel Size (Acres): 228.83
Moyock Small Area Plan Classification: Limited Service	Zoning History: 1989 (A), 1974 (A-40), 1970 and 1971 (RA-20), 2019 (PD-R)
Current Zoning: PD-R	Proposed Zoning: Amended PD-R #3
Request: Leif Street stub connection to the Flora property on the northwestern property line.	

REQUEST

NARRATIVE

The Board of Commissioners originally approved the Planned Development – Residential on May 6, 2019, and then approved amended plan #1 on November 4, 2019 and amended Plan #2 on December 7, 2020 (attached). This requested amendment #3 is to allow a street stub connection to the Flora property (Leif Street).

COMMUNITY MEETING

A community meeting was held on December 16, 2020 at the Eagle Creek Pavilion. No members of the community attended the meeting.

SURROUNDING PARCELS

	Land Use	Zoning
North	Single-family dwellings, retail	AG, GB, SFM
South	Single-family dwellings, cultivated farmland	AG, SFM
East	Single-family dwellings, cultivated farmland	GB, SFM
West	Single-family dwellings, cultivated farmland	AG

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Full Service within the Moyock subarea. The policy emphasis for the Moyock subarea is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Where central sewer is proposed, additional services are available, and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered. The Board of Commissioners found the proposed plan consistent with the following policy in the plan;

Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. (Summary)
------------	--

MOYOCK SMALL AREA PLAN

In 2013, the Board of Commissioners recognized the uniqueness of Moyock and the concerns of the area's citizens, so they commissioned the Moyock Small Area Plan (MSAP) to comprehensively review growth and development. The MSAP examines issues, concerns, and expectations of the Moyock community and establishes public policy that works to accomplish the public's vision. The MSAP includes policies that will address growth management, sense of place and quality of life, and economic development specific to Moyock. The MSAP Plan classifies this site as Limited Service. The policy emphasis for Limited Service is for the land to be less intensely developed than Full Service areas. Limited service designations provide for limited availability to infrastructure and services and low to moderate residential densities. Residential densities in this designation range between 1 – 1.5 units per acre. The Board of Commissioners found the proposed plan consistent with policies in the plan, including:

Policy FLU1	Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. (Summary)
-------------	--

Drainage and Utilities

County Engineer Comments

The drainage and utility requirements in the June 24, 2019 approved Order (attached) remain unchanged.

RECOMMENDATION

Technical Review Committee

The Technical Review Committee recommends approval of the Amended Planned Development – Residential rezoning with the following conditions/revisions:

- Would prefer to see some commercial development as part of the Fost tract along Caratoke Hwy and be included as part of Phase 2 & 3 as opposed to proposing all commercial development in Phase 7. (Economic Development)
- Any impacts to jurisdictional waters or wetlands of the United States require prior approval from the US Army Corps of Engineers. (US Army Corps of Engineers)
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged. (Attached)

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.

The Board of Commissioners determined that this PD-R zoning request is consistent with the 2006 Land Use Plan and the Moyock Small Area Plan because:

- It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C.
- The conditions placed on the development will improve drainage problems on the property and within nearby Ranchland and Eagle Creek Subdivisions if improvements can be made to drainage system on off-site properties; and,
- It is compatible with existing Moyock Township Subdivision.

It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Land Use Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components.

RECOMMENDATION

Planning Board

The Planning Board recommends approval of the conditional rezoning subject to the following conditions:

1. Any impacts to jurisdictional waters or wetlands of the United States require prior approval from the US Army Corps of Engineers. (US Army Corps of Engineers)
2. Drainage and utility requirements in the June 24, 2019 approved order remain unchanged. (Attached)

Motion

Mr. Doll motioned to approve PB 18-23 Fost Planned Development, Amended, because:

1. It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C. (BOC 6/24/19)
2. The conditions placed on the development will improve drainage problems on the property within nearby Ranchland and Eagle Creek subdivisions if improvements are made to the drainage system on off-site properties. (BOC 6/24/19)
3. It is compatible with existing Moyock Township subdivisions. (BOC 6/24/19)

Conditions of Approval:

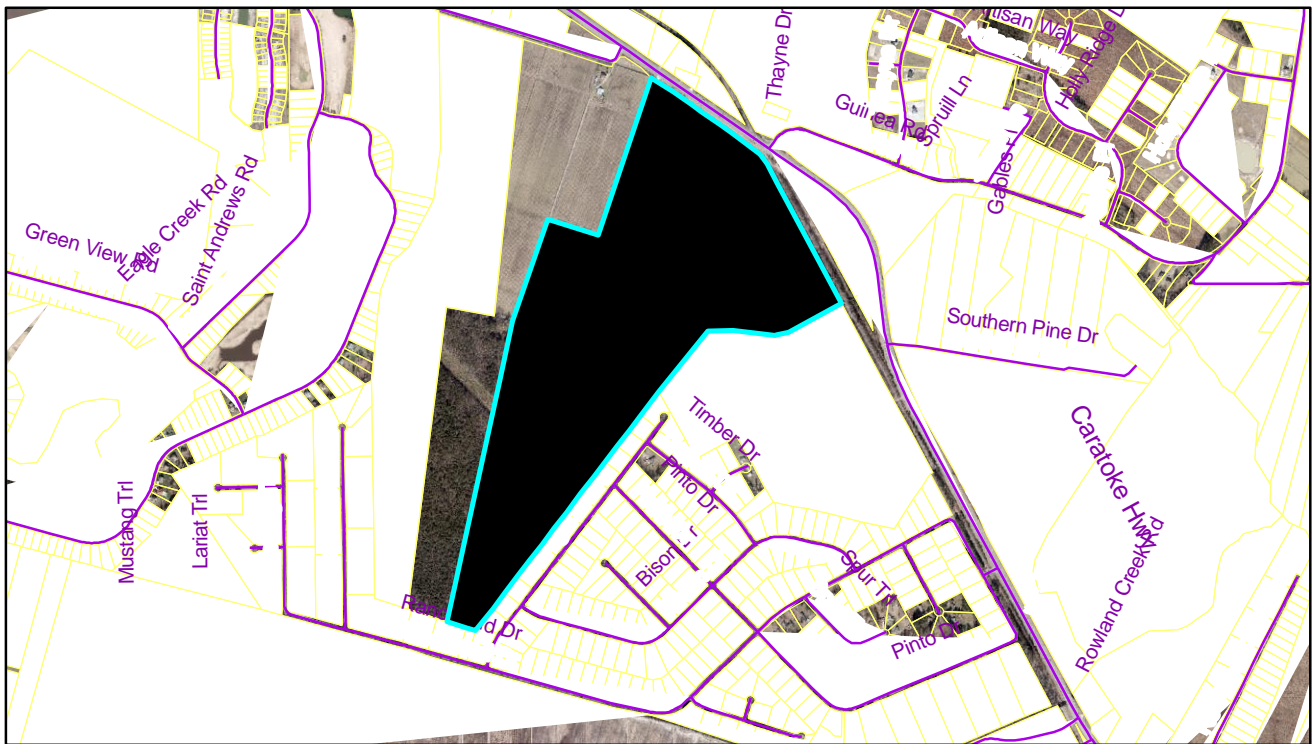
1. Any impacts to jurisdictional waters or wetlands of the United States require prior approval from the US Army Corps of Engineers. (US Army Corps of Engineers)
2. Drainage and utility requirements in the June 24, 2019 approved order remain unchanged. (Attached)

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

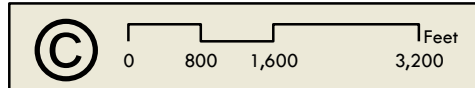
It is required by changed conditions acknowledged by the Land Use Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components. (BOC 6/24/19)

Mr. Owens seconded the motion to approve and the motion carried unanimously 5-0.

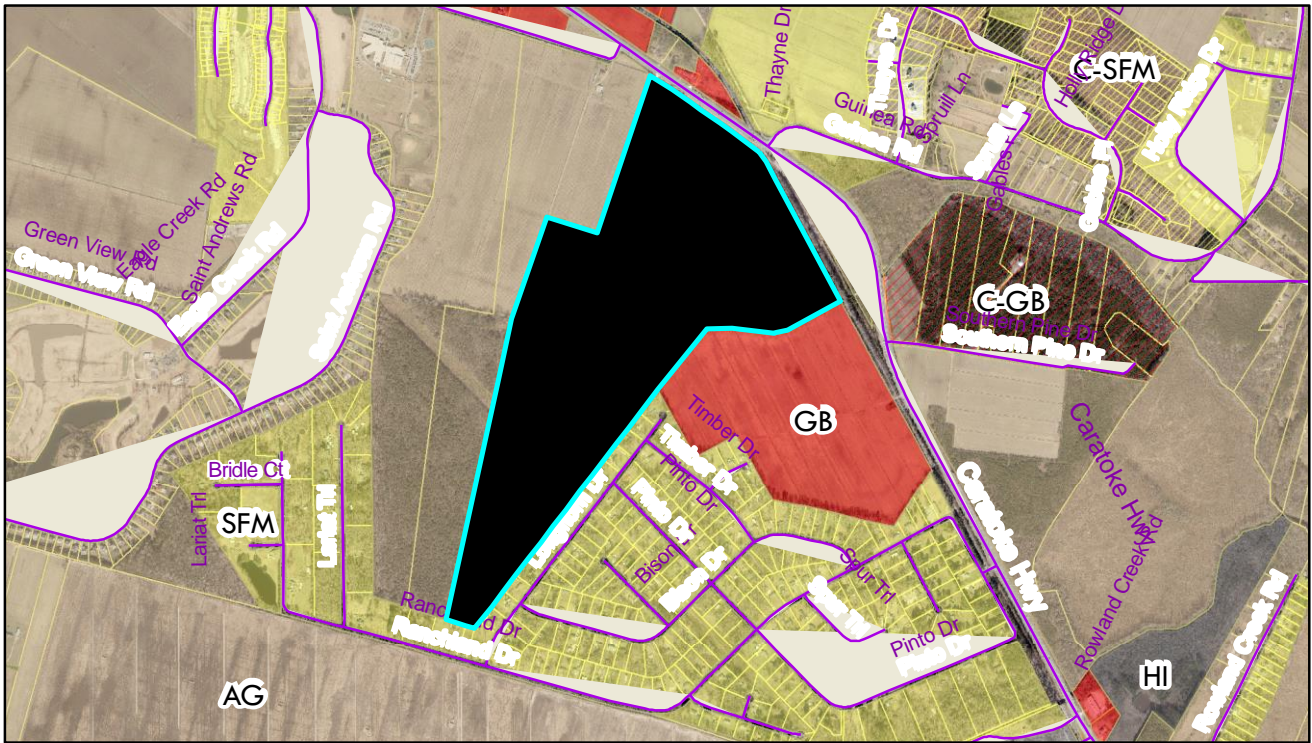
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
 Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



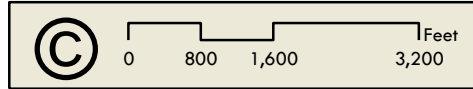
PB 18-23 Fost
 Amended PD-R Zoning
 2016 Aerial Photography



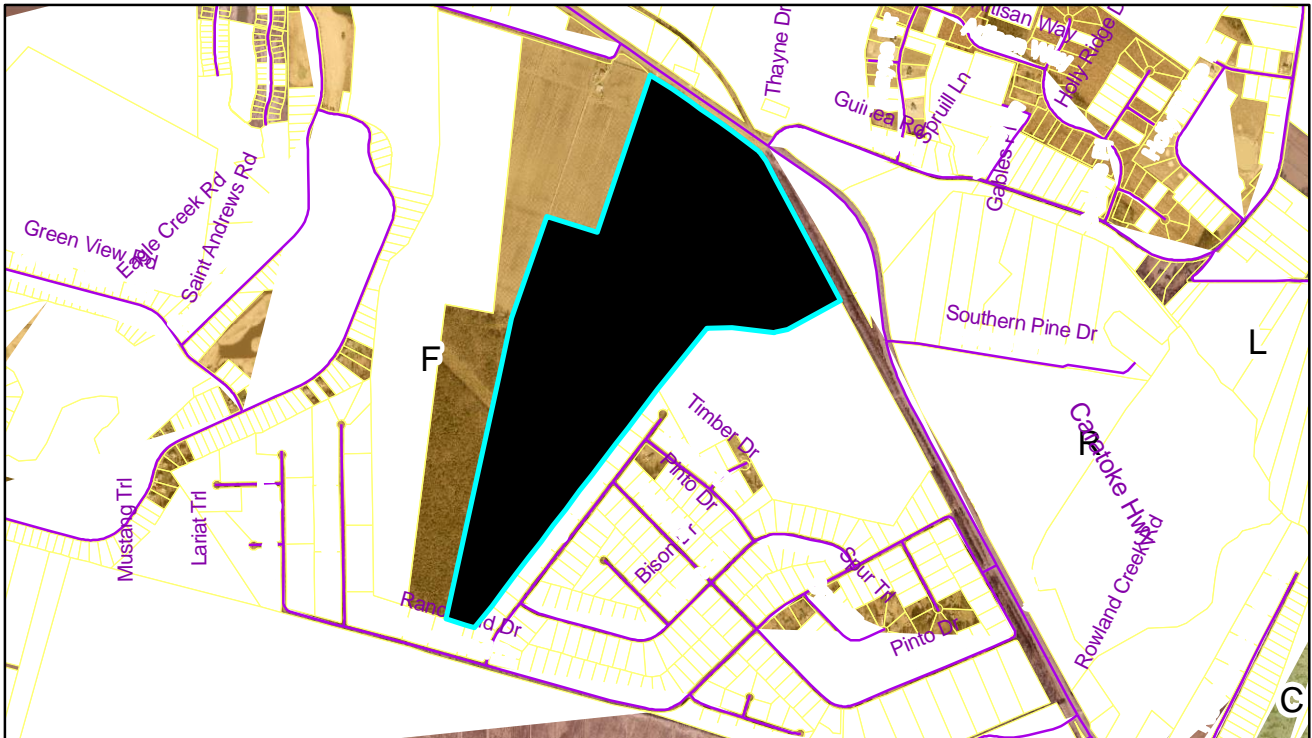
Currituck County
 Planning and
 Community Development



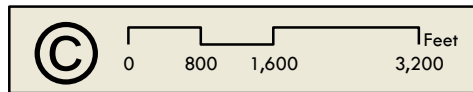
PB 18-23 Fost
Amended PD-R Zoning
Zoning



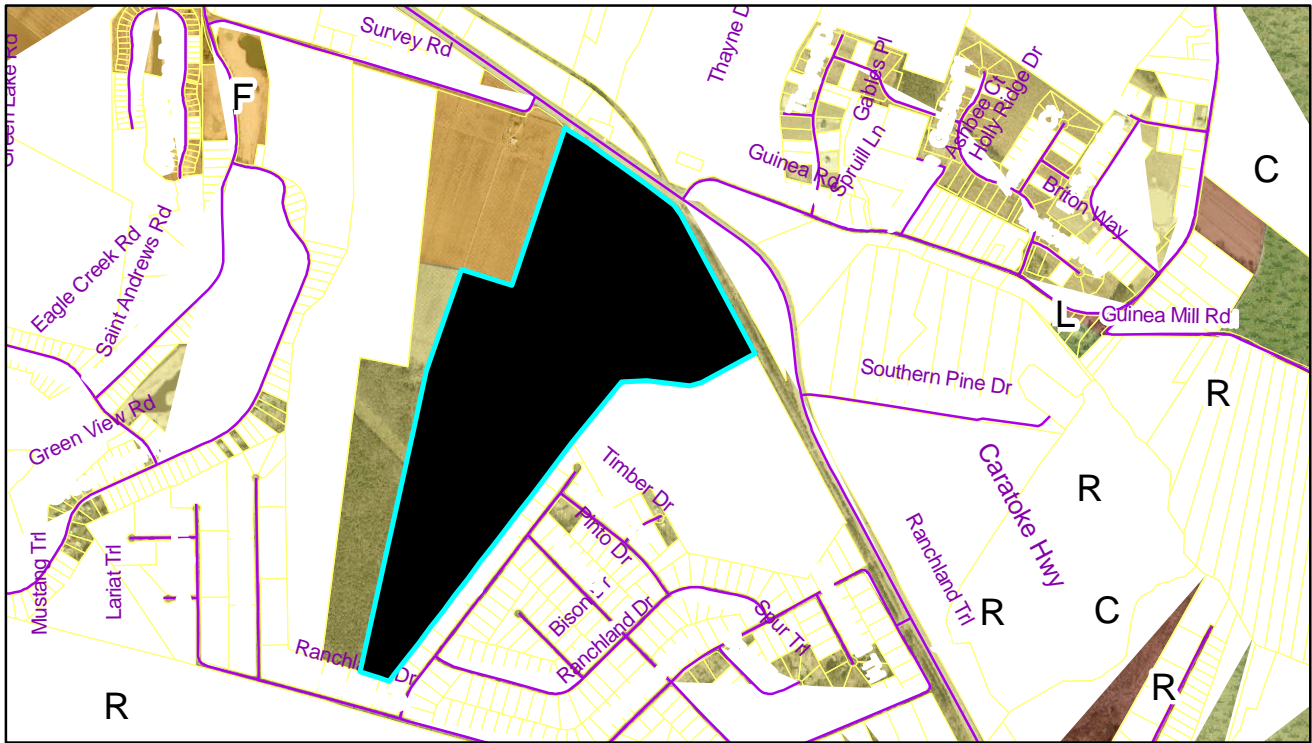
Currituck County
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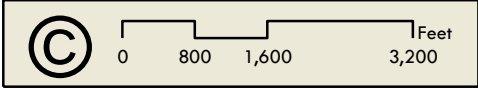
PB 18-23 Fost
Amended PD-R Zoning
LUP Classification



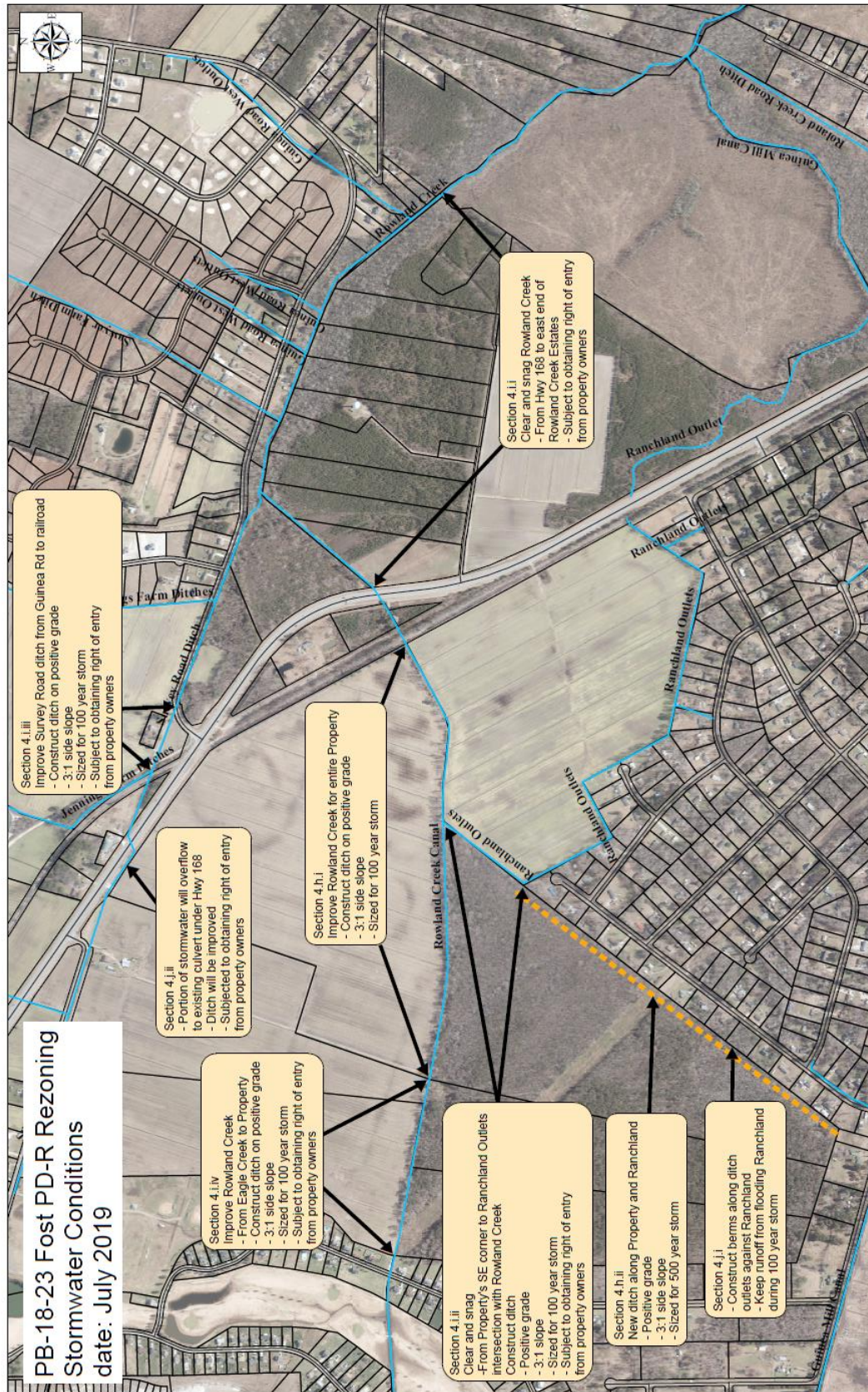
Currituck County
Planning and
Community Development



PB 18-23 Fost
Amended PD-R Zoning
Moyock SAP Classification

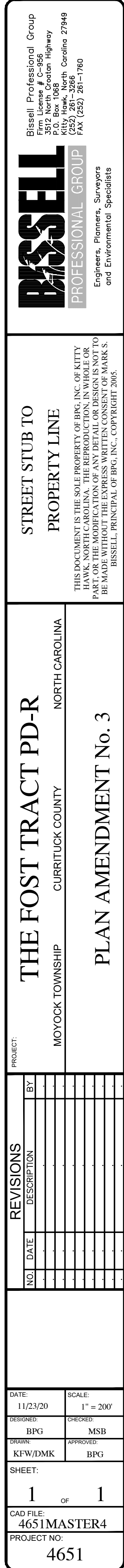


Currituck County
Planning and
Community Development



LEGEND

- ROADWAY CENTERLINE
- RIGHT-OF-WAY
- PROPERTY BOUNDARY
- ADJOINING PROPERTY LINE
- EXISTING WETLANDS
- EXISTING 404 BOUNDARY
- 30' UNDISTURBED BUFFER (COUNTY)





Currituck County

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

MEMORANDUM

To: Mark Bissell PE, Bissell Professional Group
 Justin Old, Moyock Development LLC

From: Planning Staff

Date: January 14, 2021

Re: Fost #3 Amended Planned Development Master Plan (Leif Street Connection to Flora Property) TRC Comments

The following comments have been received for the January 13, 2021 TRC meeting. In order to be scheduled for the February 9, 2021 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on January 25, 2021. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Tammy Glave, 252-232-6025)

Reviewed without comment.

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

Reviewed without comment.

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

Reviewed with comment:

1. Would prefer to see some commercial development as part of the Fost tract along Caratoke Hwy and be included as part of Phase 2 & 3 as opposed to proposing all commercial development in Phase 7.

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

Reviewed without comment.

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

Reviewed without comment.

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

Reviewed with comment:

1. All previous comments from TRC review on 3/12/2020 have been addressed and there are no new comments at this time.

Currituck County Public Utilities, Water (Will Rumsey, 252-232-6065)

Reviewed without comment.

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

Reviewed without comment.

Attachment: 3 Fost Amended PD #3 TRC Comments 1-13-2021 (PB 18-23 Fost Track Amended PD-R #3)

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

Reviewed with comment:

1. Wastewater system will need to be reviewed and approved by the NC Department of Environmental Quality (Washington Regional Office.)

Mediacom (252-482-5583)

See attached letter.

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

Reviewed with comment:

1. Any impacts to jurisdictional waters or wetlands of the United States require prior approval from the US Army Corps of Engineers.

US Post Office

Contact the local post office for mail delivery requirements

Comments Not Received From:

Currituck County Engineer (Eric Weatherly, 252-232-6035)
NCDOT (Caitlin Spear, 252-331-4737)

The following items are necessary for resubmittal:

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

**Kim Mason, NC Area Director**
kmason@mediacomcc.com

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

As you know the key need for all homes in this 21st Century is a solid internet connection, be it for business, education or entertainment, the public demand is here.

With this in mind, as you plan for your development and build out, we would like to encourage you to reach out to us, as you do for other essential utilities. It is most economical and reasonable for you to work with us and have this valuable infrastructure in advance of selling and building the homes. Any build out costs can easily be recouped as the lots are developed and make your neighborhoods more appealing to families and professionals.

We invite you to partner with us and contact us locally. We will process a ROI for your location to determine partnership feasibility and estimated cost to ensure your development has access to the best internet services available.

Our key contacts are, Kim Mason, Director for North Carolina – information above and our construction coordinator Nathaniel Harris at 252- 793-5256 or 252-339-9375.

Mediacom launched 1-Gig broadband speeds in the following areas of North Carolina and operates customer service offices in Edenton and Plymouth.

Bertie County

Colerain

Kelford

Lewiston

Powellsville

Roxobel

Windsor

Camden County

Camden

Shiloh

South Mills

Martin County

Jamesville

Northampton County

Conway

Galatia

Jackson

Rich Square

Seaboard

Severn

Woodland

Chowan County

Arrowhead / Chowan Beach

Edenton

Currituck County

Barco

Currituck

Grandy

Moyock

Point Harbor

Poplar Branch

Tulls Bay

Perquimans County

Hertford

Winfall

Tyrrell County

Columbia

Washington County

Creswell

Plymouth

Roper

About Mediacom Communications

Mediacom Communications Corporation is the 5th largest cable operator in the U.S. serving over 1.3 million customers in smaller markets primarily in the Midwest and Southeast. Mediacom offers a wide array of information, communications and entertainment services to households and businesses, including video, high-speed data, phone, and home security and automation. Through Mediacom Business, the company provides innovative broadband solutions to commercial and public sector customers of all sizes and sells advertising and production services under the OnMedia brand. More information about Mediacom is available at www.mediacomcable.com.

We look forward to partnering with you to ensure your projects are successful and your development has the best services available for your buyers.

Best regards,

Kim Mason

Operations Director, North Carolina

Attachment: 3 Fost Amended PD #3 TRC Comments 1-13-2021 (PB 18-23 Fost Track Amended PD-R #3)



Currituck County

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

MEMORANDUM

To: Mark Bissell PE, Bissell Professional Group
 Justin Old, Moyock Development LLC

From: Planning Staff

Date: January 14, 2021
 Response dated January 25, 2021 is shown in green

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

Reviewed with comment:

1. Would prefer to see some commercial development as part of the Fost tract along Caratoke Hwy and be included as part of Phase 2 & 3 as opposed to proposing all commercial development in Phase 7. Unfortunately the entire pond along Caratoke Highway has already been constructed, and the roads and lots behind it have been substantially graded at this stage. With regard to the mixed use commercial, which is internally oriented, in order to have a greater chance of being successful, the developer is waiting until there are sufficient occupied rooftops to start that part of the development, which is the reason for it being in Phase 7.

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

Reviewed without comment.

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

Reviewed without comment.

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

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Attachment: 4 1-25-21 Response to Fost Amended PD (PB 18-23 Fost Track Amended PD-R #3)

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Reviewed without comment.

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Reviewed with comment:

1. Wastewater system will need to be reviewed and approved by the NC Department of Environmental Quality (Washington Regional Office.) This requirement is acknowledged, and will be obtained at the construction drawing approval stage.

Mediacom (252-482-5583)

See attached letter.

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

Reviewed with comment:

1. Any impacts to jurisdictional waters or wetlands of the United States require prior approval from the US Army Corps of Engineers. The jurisdictional Impacts have been permitted.

US Post Office

Contact the local post office for mail delivery requirements The post office previously approved the proposed CBU locations, which have not changed.

Comments Not Received From:

Currituck County Engineer (Eric Weatherly, 252-232-6035)
NCDOT (Caitlin Spear, 252-331-4737)

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
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Attachment: 4 1-25-21 Response to Fost Amended PD (PB 18-23 Fost Track Amended PD-R #3)

**Kim Mason, NC Area Director**kmason@mediacomcc.com

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

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We invite you to partner with us and contact us locally. We will process a ROI for your location to determine partnership feasibility and estimated cost to ensure your development has access to the best internet services available.

Our key contacts are, Kim Mason, Director for North Carolina – information above and our construction coordinator Nathaniel Harris at 252- 793-5256 or 252-339-9375.

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Jackson

Rich Square

Seaboard

Severn

Woodland

Chowan County

Arrowhead / Chowan Beach

Edenton

Currituck County

Barco

Currituck

Grandy

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We look forward to partnering with you to ensure your projects are successful and your development has the best services available for your buyers.

Best regards,

Kim Mason

Kim Mason

Operations Director, North Carolina

Attachment: 4 1-25-21 Response to Fost Amended PD (PB 18-23 Fost Track Amended PD-R #3)

Fost PD-R Amendment NO. 3

December 16, 2020

Scheduled Time/Place: 5:30pm, Eagle Creek Pavilion

We waited until 6:00pm and no one from the community arrived.

Attendees: Laurie LoCicero, Currituck County
Justin Old, Developer
Mark Bissell, Engineer

Comments from the Community	How Addressed
None	



Planned Development Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

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

PROPERTY OWNER:

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

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Property Information

Physical Street Address: Caratoke Hwy.
 Location: Moyock, NC 27958
 Parcel Identification Number(s): 0015-000-0086-0000
 Total Parcel(s) Acreage: 228.83
 Existing Land Use of Property: Planned Development

Request

Current Zoning of Property: PD-12

Proposed Zoning District

- ☒ Planned Development – Residential (PD-R)
☐ Planned Development – Mixed (PD-M)
☐ Planned Development – Outer Banks (PD-O)

Amendments

- ☒ Amended Master Plan
☐ Amended Terms and Conditions

Community Meeting

Date Meeting Held: December 16, 2020 Meeting Location: Eagle Creek Pavilion

Planned Development Request

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 master plan, terms and conditions document, 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 planned development so authorized and shall be submitted to the Technical Review Committee.

Property Owner(s) _____

Date 12/16/2020

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.



**PB 18-23 FOST PD-R REZONING
AMENDMENT 2
BOARD OF COMMISSIONERS
DECEMBER 7, 2020**

Amendment to the Official Zoning Map

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina:

Section 1: The Official Zoning Map for Currituck County is hereby amended by conditionally rezoning 228.83 acres located in Moyock Township located on the west side of Caratoke Highway and north of Ranchland Subdivision with Parcel Identification Number 0015-000-0086- 0000, (the "Property") from Agriculture (AG) to Planned Development – Residential (PD-R).

Section 2: The zoning map amendment for the Property is appropriate because:

- a. It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C. (BOC 6/24/19).
- b. The conditions placed on the development will improve drainage problems on the property within nearby Ranchland and Eagle Creek subdivisions if improvements are made to the drainage system on off-site properties. (BOC 6/24/19)
- c. It is compatible with existing Moyock Township subdivisions. (BOC 6/24/19)
- d. The drainage and utility requirements in the June 4, 2019 approved order remain unchanged.
- ~~a. the conditional rezoning is consistent with the 2006 Land Use Plan and the Moyock Small Area Plan;~~
- ~~b. the conditional rezoning is consistent with all review standards provided under Unified Development Ordinance (UDO) Section 2.4.3.C;~~
- ~~c. the proposed conditions for the conditional rezoning of the Property will improve drainage problems on the Property and within nearby Ranchland and Eagle Creek Subdivisions if improvements can be made to drainage system on off-site properties; and~~
- ~~d. the conditional rezoning is compatible with existing Moyock Township subdivisions~~

Section 3: The zoning map amendment for the Property is reasonable and in the public interest because it is required by changed conditions acknowledged by the Land Use Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components.~~of the need for higher density growth in areas of Moyock outside of Currituck Station regardless of the availability of public and centralized sewer treatment and disposal.~~

Section 4: The zoning map amendment for the Property is approved with the following conditions:

- a. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the Phasing Plan for the development. Notwithstanding the forgoing, the first phase of development shall not exceed seventy-one (71) residential units.
- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") or North Carolina Department of Health & Human Services ("NCDHHS") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached), subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance will be connected directly to N.C. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000. Roadways shall be laid out generally as shown on the Master Plan and Schedule C.
- f. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on N.C. Highway 168 which will be tapped and looped through the site. Fire Protections shall be provided in accordance with UDO standard and the applicable Insurance Service Office standards. Individual lots and dwellings shall be metered. The

Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the maximum day domestic demand.

- g. Wastewater: ~~Developer intends to connect to a major utility, off-site, owned by Currituck Water & Sewer, LLC, for wastewater treatment and disposal. A wastewater collection system will be connected by the Developer and Managed by a wastewater utility. Land has been set aside for the construction of a centralized wastewater treatment and disposal facility that will be constructed in accordance with NCDEQ Standards and approved by NCDEQ. A wastewater collection system will be constructed by the Developer and managed by a wastewater utility.~~ The utility will be regulated by the North Carolina Utilities Commission, ~~and will apply for a Certificate of Public Necessity and Convenience.~~
- h. On-Site Stormwater: The following improvements to stormwater drainage ("Improvements") on the Property shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:
 - i. Improve Rowland Creek for the entire length on the Property by construction of a ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
 - ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
 - iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.
- i. Off-Site Stormwater: Subject to obtaining right of entry from off-site property owners, i.e. if consent of those property owners is obtained, the following improvements to storm water drainage systems outside the boundaries of the Property shall be completed by the Developer prior to recording the final plat for the first phase of the development:
 - i. Clear and snag Rowland Creek from N. C. Highway 168 to the east end of Rowland Creek Estates Subdivision (adjacent to PIN 0022000088M0000)
 - ii. Clear and snag the Ranchland Outlets ditch from the Property's southeast corner adjacent to Ranchland Subdivision (adjacent to PIN 023B000004201F2) to the Ranchland Outlets' intersection with Rowland Creek, and construct a ditch on a positive grade with 3:1 side slopes and sized for a 100 storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
 - iii. Improve the Survey Road ditch from Guinea Road to the railroad (on PIN 0022000063Y0000) and construct the ditch on a positive grade with 3:1 side slopes and sized for a 100 year

storm event from the drainage basin in which the Property is located.

- iv. Improve Rowland Creek from the eastern boundary of Eagle Creek (adjacent to PIN 015A00000980000) to the western boundary of the Property by constructing a ditch on a positive grade with 3:1 side slopes sized for a 100 year storm event
- v. Developer or a management association shall contribute \$5,000 annually to the cost of maintenance for the off-site improvements set forth in this section. Such funds shall be deposited within an association created for the purpose of maintaining off-site improvements. The first contribution shall be made within 1 year of the recording of the first phase of development, and subsequent contributions made annually for the next 10 years.
- vi. Should Developer be unable to obtain right of entry from any landowner prior to recording Phase 2, then Developer's only obligation under this Section (i), Off-Site Stormwater, shall be to provide fee in lieu in the amount of 115% of the cost of the Off-Site Improvements, such that the County may complete these Improvements if and when right of entry is obtained.

- j. Overall stormwater conditions:
 - i. The Developer shall construct berms along ditch outlets against Ranchland to keep proposed development's runoff from flooding Ranchland during a 100 year storm.
 - ii. On-site stormwater will be managed by construction a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater primarily to Rowland Creek both directly and indirectly. A portion of the stormwater will also overflow to an existing culvert that runs directly under N.C. Highway 168 near the northwest corner of the property. The ditch that drains that outlet will also be improved as necessary subject to obtaining right of access referenced above.
 In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard for the difference between runoff from the 10-year developed condition and runoff from a 2-year wooded condition site, stormwater shall be modeled for the 100-year storm event and property line berms constructed as necessary to manage the 100-year storm without adversely impacting neighboring properties.
 Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales.
- k. Perimeter compatibility shall be addressed as follows:
 - i. To the west: As long as this property remains zoned as is, a 50 foot farm buffer shall be provided, followed by a 60 foot roadway corridor, so the nearest existing dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer shall be provided along that property line. If this property is rezoned, the buffer requirements in this condition shall not apply.
 - ii. To the north (Caratoke Highway): A berm shall be provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks, berms and landscaping.
 - iii. To the east: A 50 foot vegetative farm buffer shall be provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. A minimum 50 foot buffer shall be provided between the developments.
 - iv. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line. The southern buffer may include a pond.
 - v. Limited commercial development is located interior to the Development and shall front along the landscaped entrance boulevard.

- I. Environmental Protection and Monitoring: Wetlands subject to the jurisdiction of the US Army Corps of Engineers have been delineated and confirmed by the Corps of Engineers. Wetland buffers have been shown on the Master Plan and the Development plan honors those buffers. The Association documents (Declaration) will include provisions that prohibit the filling of wetlands and prohibit the clearing of the buffer areas other than incidental tree cutting and vegetation removal, except for minor impacts associated with stormwater management facilities.

The Association, either itself or via a management entity, will assume responsibility for ongoing operation and maintenance of all stormwater management facilities in accordance with the Currituck County UDO requirements and all NCDEQ permit requirements. The Association dues will be structured in a way that funds are provided for the upkeep of these facilities, as well as periodic improvements to Rowland Creek both through the development, as well as a contribution to off-site maintenance.

Wind tides will be considered in the design of site grading, with structures located above the elevation of the historic wind tidal influence from Rowland Creek.

Additional conditions approval on December 7th, 2020:

- m. Rowland Creek near the south of the property must be cleared and snagged as soon as possible.
- n. Stormwater management on Rowland Creek and areas downstream north and east of the railroad track are within CAMA jurisdiction, require a 30' setback, and CAMA permitting is required.
- o. Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

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Section 5: 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.

Section 6: This zoning map amendment shall be in effect from and after the 74th day of ~~November~~ December 2019 ~~2020~~.

IN WITNESS WHEREOF, the County has caused this zoning map amendment to be approved in its name.

ATTEST:

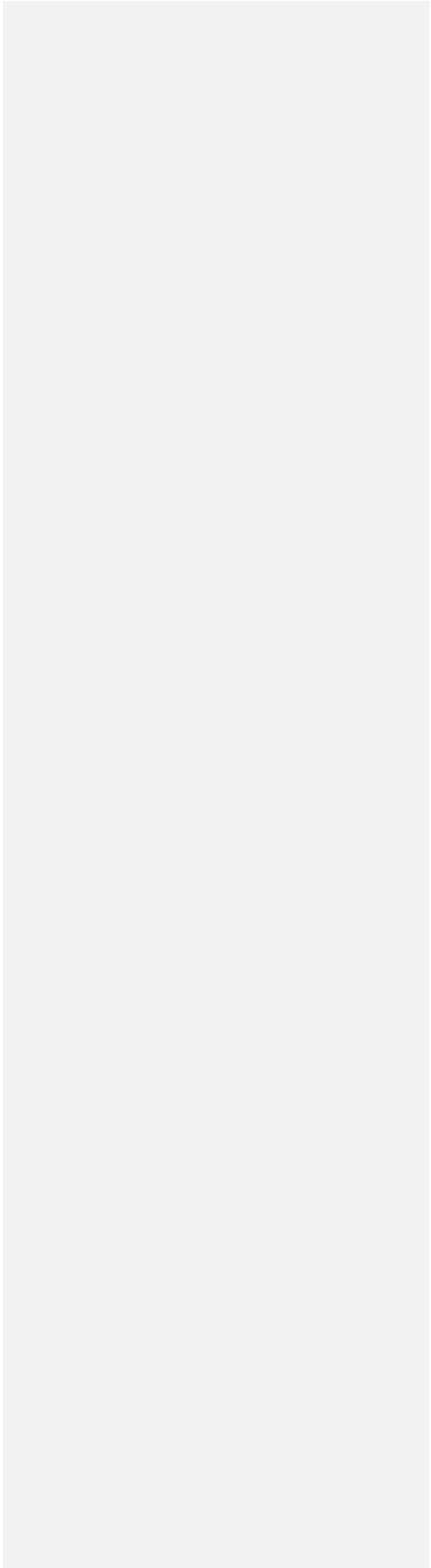
Clerk to the Board

Chairman
Board of Commissioners

Date

(NOT VALID UNTIL FULLY EXECUTED)

(SEAL)



Attachment: 7 Fost Conditional Zoning Ordinance - Amendment 2 - Approved 12-7-20 (PB 18-23 Fost Track Amended PD-R #3)

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>TND T.H.</u>	<u>TNDS FLOT</u>	<u>CONV. SF LOT</u>
Min Lot Size:	1,800 SF	6,900 SF	9,500 SF
Typ. Lot Size:	1,800 – 3,000 SF	7,000-9,000 SF	10,000 – 15,000 SF
Min. Lot Width:	20’	35’	35’
Typ. Lot Width:	20’ – 25’	50’ – 60’	62’
Front Setback:	15’	20’	20’
Side Setback:	0	10’	10’
Rear Setback:	20’	20’	25’
Corner Side Setback:	15’	15’	15’
Maximum Setback:	25’	75’	140’
Maximum Height:	35’	35’	35’
Maximum Bldg. Size:	16,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	60%	45%

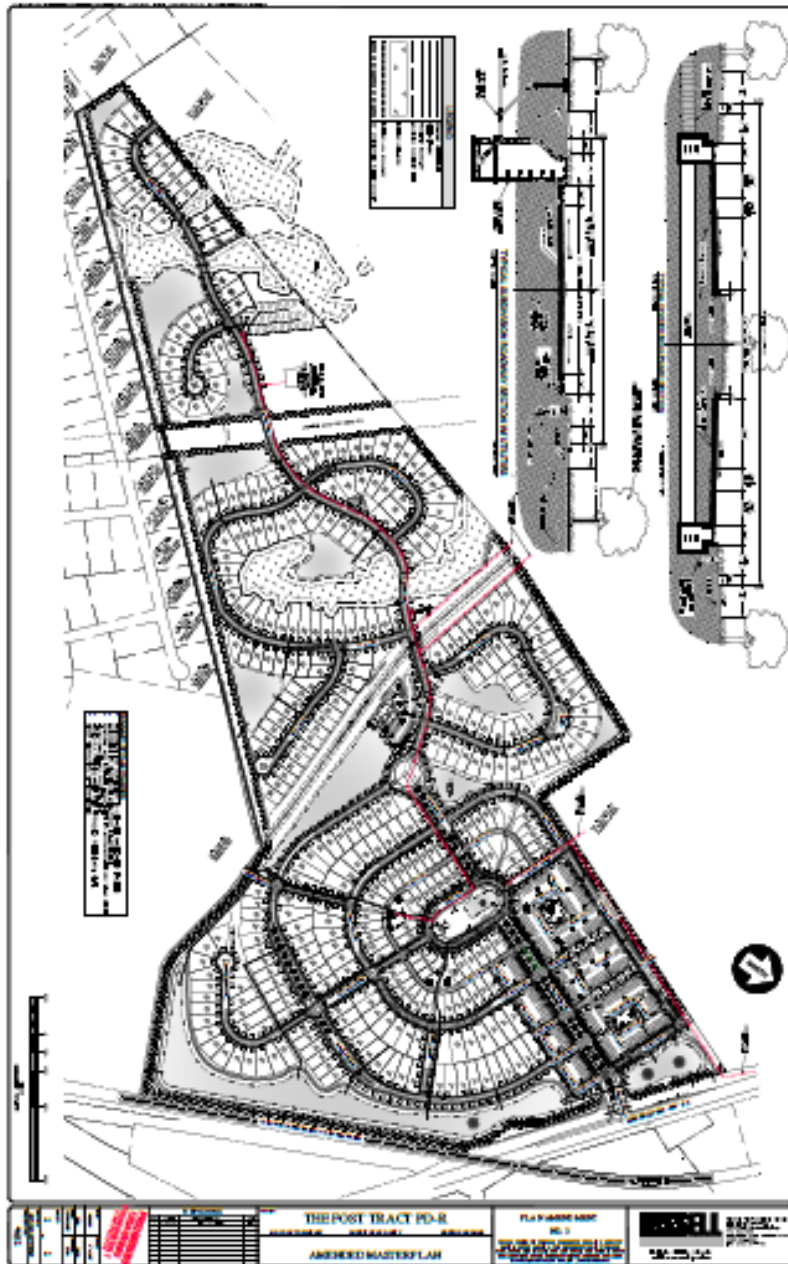
SCHEDULE B

PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (Ac.)</u>	<u>DEVELOPMENT INTENSITY (D.U./Ac)</u>	<u>TND T.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1	39.7	1.79	25	12	34	71	Rowland Creek Drainage Improvements
2	33.1	1.96	19	9	37	65	Main Lake (completion)
3	29.2	1.88	16	14	25	55	Village Green & Clubhouse
4	19.9	3.67	27	7	39	73	Multi-Use Path
5	14.4	2.57	-	17	20	37	Swimming Pool
6	39.7	1.99	21	-	58	79	Up to 22,000 SF Neighborhood Commercial
7	23.8	2.56	18	-	43	61	
8	17	1.12	-		19	19	
9	12	1.58	-	-	19	19	
Utility	<u>13.7</u>	<u>0</u>					
TOTALS	228.8	2.09	126	59	294	479	

SCHEDULE C
ROADWAY
STANDARDS

<u>TYPE</u>	<u>R/W WIDTH</u>	<u>PAV'T. WIDTH</u> <u>(B-B)</u>
Boulevard w/on-street parking & bike lane	100' – 130'	35' each way
Local Road w/parking both sides	60'	43'
Local Road w/parking one side	50' – 55'	35
Local Road w/no parking	40'	27'
Alley	20' – 30'	20'
Boulevard w/out bike lane	80'	16' each way



Section 4: The zoning map amendment for the Property is approved with the following conditions:

- a. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the Phasing Plan for the development. Notwithstanding the forgoing, the first phase of development shall not exceed seventy (70) residential units.
- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached), subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance will be connected directly to N.C. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000. Roadways shall be laid out generally as shown on the Master Plan and Schedule C.
- f. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on N.C. Highway 168 which will be tapped and looped through the site. Fire Protections shall be provided in accordance with UDO standard and the applicable Insurance Service Office standards. Individual lots and dwellings shall be metered. The Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the maximum day domestic demand.
- g. Wastewater: Developer intends to connect to a major utility, off-site, owned by Currituck Water & Sewer, LLC, for wastewater treatment and disposal. A wastewater collection system will be constructed by the Developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission.
- h. On-Site Stormwater: The following improvements to stormwater

drainage ("Improvements") on the Property shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:

- i. Improve Rowland Creek for the entire length on the Property by construction of a ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
 - ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
 - iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.
- i. Off-Site Stormwater: Subject to obtaining right of entry from off-site property owners, i.e. if consent of those property owners is obtained, the following improvements to storm water drainage systems outside the boundaries of the Property shall be completed by the Developer prior to recording the final plat for the first phase of the development:
- i. Clear and snag Rowland Creek from N. C. Highway 168 to the east end of Rowland Creek Estates Subdivision (adjacent to PIN 0022000088M0000)
 - ii. Clear and snag the Ranchland Outlets ditch from the Property's southeast corner adjacent to Ranchland Subdivision (adjacent to PIN 023B000004201F2) to the Ranchland Outlets' intersection with Rowland Creek, and construct a ditch on a positive grade with 3:1 side slopes and sized for a 100 storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
 - iii. Improve the Survey Road ditch from Guinea Road to the railroad (on PIN 0022000063Y0000) and construct the ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
 - iv. Improve Rowland Creek from the eastern boundary of Eagle Creek (adjacent to PIN 015A00000980000) to the western boundary of the Property by constructing a ditch on a positive grade with 3:1 side slopes sized for a 100 year storm event
 - v. Developer or a management association shall contribute \$5,000 annually to the cost of maintenance for the off-site improvements set forth in this section. Such funds shall be deposited within an association created for the purpose of maintaining off-site improvements. The first contribution shall be made within 1 year of the recording of the first phase of development, and subsequent contributions made annually for the next 10 years.
 - vi. Should Developer be unable to obtain right of entry from any

landowner within 4 months from the date this ordinance is adopted, such time not being tolled in the event of an appeal, injunction or other stay of the zoning case, then Developer's only obligation under this Section (i), Off-Site Stormwater, shall be to provide fee in lieu in the amount of 115% of the cost of the Off-Site Improvements, such that the County may complete these Improvements if and when right of entry is obtained.

j. Overall stormwater conditions:

- i. The Developer shall construct berms along ditch outlets against Ranchland to keep proposed development's runoff from flooding Ranchland during a 100 year storm.
- ii. On-site stormwater will be managed by construction a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater primarily to Rowland Creek both directly and indirectly. A portion of the stormwater will also overflow to an existing culvert that runs directly under N.C. Highway 168 near the northwest corner of the property, The ditch that drains that outlet will also be improved as necessary subject to obtaining right of access referenced above.

In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard for the difference between runoff from the 10-year developed condition and runoff from a 2-year wooded condition site, stormwater shall be modeled for the 100-year storm event and property line berms constructed as necessary to manage the 100-year storm without adversely impacting neighboring properties.

Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales.

- k. Rear loaded cottage lots, if market conditions warrant, may be converted to conventional frontloaded single family dwelling lots at the rate of up to 50% in each phase that includes cottage lots. No more than 22,000 square feet of neighborhood commercial development may be constructed on the ground floor of the townhouse section along the entrance boulevard where indicated on the Master Plan drawings, if market conditions support this style of development. If not, these areas may be converted to residential use (without increasing the approved density).
- l. Perimeter compatibility shall be addressed as follows:
 - i. To the west: As long as this property remains zoned as is, a 50 foot farm buffer shall be provided, followed by a 60 foot roadway corridor, so the nearest existing dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer shall be provided along that property line. If this property is rezoned, the buffer requirements in this condition shall not apply.
 - ii. To the north (Caratoke Highway): A berm shall be provided along the highway along with lakes flanking the main entrance

- road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks, berms and landscaping.
- iii. To the east: A 50 foot vegetative farm buffer shall be provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. A minimum 50 foot buffer shall be provided between the developments.
 - iv. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line. The southern buffer may include a pond.
 - v. Limited commercial development is located interior to the Development and shall front along the landscaped entrance boulevard.
- m. Environmental Protection and Monitoring: Wetlands subject to the jurisdiction of the US Army Corps of Engineers have been delineated and confirmed by the Corps of Engineers. Wetland buffers have been shown on the Master Plan and the Development plan honors those buffers. The Association documents (Declaration) will include provisions that prohibit the filling of wetlands and prohibit the clearing of the buffer areas other than incidental tree cutting and vegetation removal.

The Association, either itself or via a management entity, will assume responsibility for ongoing operation and maintenance of all stormwater management facilities in accordance with the Currituck County UDO requirements and all NCDEQ permit requirements. The Association dues will be structured in a way that funds are provided for the upkeep of these facilities, as well as periodic improvements to Rowland Creek both through the development, as well as a contribution to off-site maintenance.

Wind tides will be considered in the design of site grading, with structures located above the elevation of the historic wind tidal influence from Rowland Creek.

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>TND T.H.</u>	<u>TND SFLOT</u>	<u>CONV. SFLOT</u>
Min Lot Size:	1,800 SF	7,000 SF	9,000 SF
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Front Setback:	15'	20'	20'
Side Setback:	0	10'	10'
Rear Setback:	20'	20'	25'
Corner Side Setback:	15'	15'	15'
Maximum Setback:	25'	25'	35'
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:	6,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	60%	50%

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>TND T.H.</u>	<u>TND SF LOT</u>	<u>CONV. SF LOT</u>
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Corner Side Setback:	15'	15'	15'
Maximum Setback:	25'	75'	140'
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:	16,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	60%	45%

SCHEDULE B

PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (AC.)</u>	<u>DEVELOPMENT INTENSITY (D.U./AC.)</u>	<u>TND T.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
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8	17	1.12			19	19	
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TOTALS	228.8	2.09	126	59	294	479	

SCHEDULE C
ROADWAY
STANDARDS

<u>TYPE</u>	<u>R/W WIDTH</u>	<u>PAV'T. WIDTH</u> <u>(B-B)</u>
Boulevard w/on-street parking & bike lane	100' – 130'	35' each way
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Alley	20' – 30'	20'
Boulevard w/out bike lane	80'	16' each way



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3039

Agenda Item Title: PB 21-01 Currituck County Multi-Family Townhouse Stormwater Text Amendment:

Submitted By: Matthew Kirkendall – Planning & Community Development

Item Type:

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance, Chapter 7, Section 7.3.4(B)2 to exempt Type I subdivision of multi-family townhouse developments from the stormwater retention requirements for a 24-hour storm with a 10 year recurrence interval.

Planning Board Recommendation: Approval

Staff Recommendation: Approval

TRC Recommendation:



Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: February 15, 2021

Subject: PB 21-01 Currituck County Multi-Family Townhouse Stormwater Text Amendment

At the direction of the Board of Commissioners, staff was asked to revise section 7.3.4.B.2 of the Unified Development Ordinance.

The proposed text amendment will amend the stormwater requirements for Type I Major Subdivision of a multi-family townhouse development. A major subdivision is any subdivision of land into more than three lots and major infrastructure is installed. A type I is a subdivision with twenty or less lots, a type II major subdivision contains twenty-one or more lots.

The current UDO language requires major subdivision stormwater infrastructure be designed to handle a ten year twenty-four hour rain event. All other development must be designed to handle a five year twenty-four hour rain event. This amendment would allow a twenty lot or less subdivision of a multi-family townhouse development to meet the stormwater standards of commercial development.

Text Amendment Review Standards

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

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

Staff Recommendation

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

Land Use Plan Policies:

POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards. (See Transportation Policies for details concerning requirements for paved roads.)

POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed pre-development volumes.

It is reasonable and in the public interest because the text amendment provides flexibility for the design of multi-family townhouse development.

Planning Board Recommendation

On February 9, 2021, the Planning Board recommended approval of the requested text amendment as presented with a 5-0 unanimous vote.

Motion

Mr. Bass moved to approve PB 21-01 because the request is consistent with the goals, objectives, and policies of the Land Use Plan including:

- POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards. (See Transportation Policies for details concerning requirements for paved roads.)
- POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed predevelopment volumes.

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

- It is consistent with policies within the Land Use Plan;
- It provides flexibility for the design for multi-family development subdivisions.

Mr. Doll seconded the motion to approve and the motion carried unanimously 5-0.



**PB21-01 CURRITUCK COUNTY
MULTI-FAMILY TOWNHOUSE
STORMWATER TEXT AMENDMENT
BOARD OF COMMISSIONERS
MARCH 1, 2021**

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

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

Item 1: That Chapter 7: Environmental Protection be amended by adding the following underlined language and deleting the struck-through language:

7.3 STORMWATER MANAGEMENT

7.3.4. Stormwater Management Standards

B. Stormwater Detention Requirements

- (2) Major subdivision, with the exception of a Type 1 subdivision of multi-family townhouse development, subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 10-year recurrence interval down to the predevelopment discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development from a wooded site.

Item 2: Statement of Consistency and Reasonableness:

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

Section 5.2 of the Land Use Plan encourages the development of affordable housing by amending the Unified Development Ordinance by offering flexibility.

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

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

 Board of Commissioners' Chairman
 Attest:

 Leeann Walton
 Clerk to the Board

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

PLANNING BOARD DATE: 2/9/21
 PLANNING BOARD RECOMMENDATION: Approved
 VOTE: 5AYES : 0NAYS
 ADVERTISEMENT DATE OF PUBLIC HEARING: 2/17/21 & 2/24/21
 BOARD OF COMMISSIONERS PUBLIC HEARING: _____
 BOARD OF COMMISSIONERS ACTION: _____
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
 AMENDMENT NUMBER: _____



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: PB 21-01
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: Currituck County
 Address: 153 Courthouse Rd
Currituck, NC
 Telephone: 252-232-6000
 E-Mail Address: ben.stikeleather@currituckcountync.gov

Request

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

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

Major subdivisions, with the exception of Type I multi-family subdivisions,
 subject to these standards shall implement adequate stormwater practices
 to reduce the post-development peak discharge from the 24-hour storm event with a
 10-year recurrence interval down to the predevelopment discharge rate from the
 24-hour storm event with a 2-year recurrence interval based on pre-development
 from a wooded site.

*Request may be attached on separate paper if needed.

A handwritten signature in blue ink, appearing to read "Ben Stikeleather".

Petitioner

12-16-20

Date



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3053)

Agenda Item Title: Recommendation of Award-Airport North Apron Rehabilitation Project

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Consideration of Bid Award for the Airport Apron Project. The Bid Tab, Recommendation Letter, and an Exhibit showing the work is included in the agenda packet. The award would be **contingent upon final Grant Modification approval and ask that the Board authorize the County Manager to execute the contract.** (Budget amendment previously approved. Grant funds will be utilized)

Potential Budget Affect:

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:

January 27, 2021

TALBERT & BRIGHT

Mr. William Nelson
 Airport Manager
 Currituck County Regional Airport
 264 Airport Road
 Maple, NC 27956

RE: Currituck County Regional Airport
 North Aircraft Apron Pavement Rehabilitation
 TBI No. 2201-1803

Dear William:

Bids were received on Monday, January 25, 2021 for the North Aircraft Apron Pavement Rehabilitation project at Currituck Regional Airport. Two bids were received for this project, one from Barnhill Contracting Company and one from FSC II, LLC DBA Rose Brothers Paving Company. We have reviewed the bids received and prepared the attached bid tabulation. Bids ranges from \$822,021.50 to \$1,065,601.00. Barnhill Contracting Company is the lowest responsive and responsible bidder in the amount of \$822,021.50.

The project was advertised with a Combined MBE/WBE Goal of 2.0%. Barnhill Contracting Company has indicated that they intend to meet the established goal utilizing two WBEs certified with the State of North Carolina Department of Transportation to perform erosion control and hauling. The total amount of WBE participation that Barnhill Contracting Company has proposed with their bid is 2.21%, which meets the project Combined goal requirement of 2.0%.


Barnhill Contracting Company did provide a bid bond in accordance with the specifications and other bid documents have been properly completed and signed including their MBE/WBE paperwork.

Barnhill Contracting Company is licensed by the State of North Carolina Licensing Board for General Contractors with a classification of "Unclassified" and financial limitation of "Unlimited". Barnhill Contracting Company is pre-qualified as a bidder with the NCDOT.

Based on our review of the bids, Talbert & Bright finds no information that requires Barnhill Contracting Company to be considered non-responsive nor unqualified for this project. Based on our review and the information presented in this letter, we recommend award of the contract to Barnhill Contracting Company in the amount of \$822,021.50. Final award of the project should be contingent upon receipt of the fully executed grants from the NCDOT Division of Aviation.

If you have any questions about the enclosed information, please let me know.

Sincerely,


 Pamela Culp, PE
 Project Engineer

Enclosures

ENGINEERING & PLANNING CONSULTANTS

4810 SHELLEY DRIVE WILMINGTON, NC 28405 910.763.5350 FAX 910.762.6281

Packet Pg. 145

Attachment: ONX N Apron Rehab_Award Recommendation Letter 0127 21 (Bid Award-Airport North Apron Rehabilitation Project)

Currituck Regional Airport
 North Aircraft Apron Pavement Rehabilitation
 TBI No. 2201-1803
 Bid Date: Monday, January 25, 2021

This Tabulation was prepared by Talbert & Bright, Inc. and is correct to the best of our knowledge, information, and belief.

By:



1/25/21

					Barnhill Contracting Company		FSC II, LLC DBA Rose Brothers Paving Company	
					841 Sun Gro Drive		701 Corporate Center, Suite 1	
					Elizabeth City, North Carolina 27909		Raleigh, North Carolina 2760	
					License No: 3194		License No: 43848	

Base Bid

Item	Spec.	Description	Unit	Quantity	Unit Price	Ext. Total	Unit Price	Ext. Total
1	C-102	Temporary Seeding and Mulching	ACRE	2	\$ 1,545.00	\$ 3,090.00	\$ 1,545.00	\$ 3,090.00
2	C-102	Temporary Stabilized Construction Entrance	EACH	1	\$ 15,000.00	\$ 15,000.00	\$ 10,500.00	\$ 10,500.00
3	C-102	Temporary Silt Fence	LF	1,200	\$ 3.15	\$ 3,780.00	\$ 3.15	\$ 3,780.00
4	C-102	Temporary Inlet Sock	EACH	4	\$ 150.00	\$ 600.00	\$ 150.00	\$ 600.00
5	C-105	Mobilization	LS	1	\$ 74,000.00	\$ 74,000.00	\$ 105,900.00	\$ 105,900.00
6	TCI	Temporary Low-Profile Lighted Barricades	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 24,878.00	\$ 24,878.00
7	TCI	Establish and Maintain Temporary Gate and Access Route	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 75,000.00	\$ 75,000.00
8	TCI	Miscellaneous Temporary Construction Items	LS	1	\$ 33,500.00	\$ 33,500.00	\$ 86,000.00	\$ 86,000.00
9	P-101	Pavement Removal - Full Depth	SY	7,800	\$ 9.00	\$ 70,200.00	\$ 8.00	\$ 62,400.00
10	P-101	Cold Milling - Asphalt	SY	3,500	\$ 3.00	\$ 10,500.00	\$ 5.00	\$ 17,500.00
11	P-101	Crack Repair	LF	1,250	\$ 10.00	\$ 12,500.00	\$ 24.50	\$ 30,625.00
12	P-101	Crack Cleaning and Filling (Asphalt)	LF	2,000	\$ 2.70	\$ 5,400.00	\$ 2.75	\$ 5,500.00
13	P-101	Tie-Down Anchor Removal	EACH	24	\$ 110.00	\$ 2,640.00	\$ 175.00	\$ 4,200.00
14	P-152	Undercut Excavation	CY	3,500	\$ 19.00	\$ 66,500.00	\$ 23.00	\$ 80,500.00
15	P-152	Shoulder Grading	SY	1,700	\$ 4.00	\$ 6,800.00	\$ 2.00	\$ 3,400.00
16	SP	Subgrade Preparation	SY	7,800	\$ 2.00	\$ 15,600.00	\$ 2.00	\$ 15,600.00
17	P-209	Crushed Aggregate Base Course	CY	1,900	\$ 77.00	\$ 146,300.00	\$ 73.00	\$ 138,700.00
18	P-401	Asphalt Surface Course	TON	2,750	\$ 103.00	\$ 283,250.00	\$ 115.00	\$ 316,250.00
19	P-602	Emulsified Asphalt Prime Coat	GAL	3,500	\$ 1.50	\$ 5,250.00	\$ 3.00	\$ 10,500.00
20	P-603	Emulsified Asphalt Tack Coat	GAL	1,600	\$ 1.00	\$ 1,600.00	\$ 2.00	\$ 3,200.00
21	P-610	8" Concrete for Fuel Truck Parking Pad	SY	90	\$ 120.00	\$ 10,800.00	\$ 110.00	\$ 9,900.00
22	P-620	Permanent Marking (First Application)	SF	1,000	\$ 1.90	\$ 1,900.00	\$ 1.90	\$ 1,900.00
23	P-620	Permanent Marking (Second Application)	SF	1,000	\$ 1.90	\$ 1,900.00	\$ 1.90	\$ 1,900.00
24	P-631	Refined Coal Tar Emulsion with Additives for Slurry Coat	SY	1,950	\$ 2.55	\$ 4,972.50	\$ 4.80	\$ 9,360.00
25	D-701	12" Reinforced Concrete Pipe, Class III	LF	152	\$ 75.00	\$ 11,400.00	\$ 107.00	\$ 16,264.00

Attachment: Certified Bid Tab ONX North Apron Rehab 0126 21 (Bid Award-Airport North Apron

Currituck Regional Airport
 North Aircraft Apron Pavement Rehabilitation
 TBI No. 2201-1803
 Bid Date: Monday, January 25, 2021

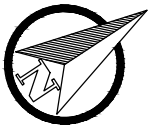
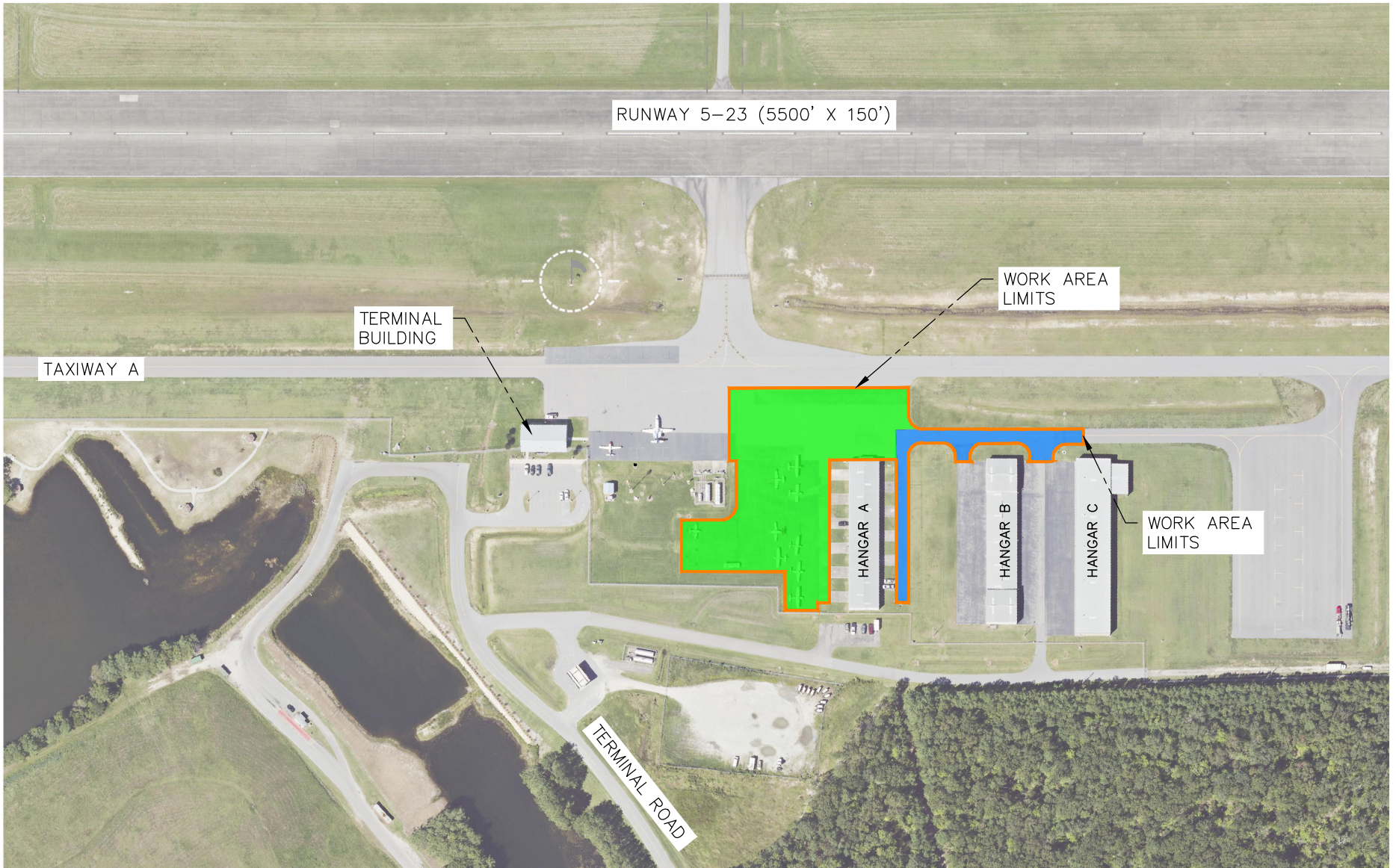
This Tabulation was prepared by Talbert & Bright, Inc. and is correct to the best of our knowledge, information, and belief.

By:

James L. Bright 1/26/21

					Barnhill Contracting Company		FSC II, LLC DBA Rose Brothers Paving Company	
					841 Sun Gro Drive Elizabeth City, North Carolina 27909 License No: 3194		701 Corporate Center, Suite 1 Raleigh, North Carolina 27601 License No: 43848	
26	D-751	Concrete Drop Inlet	Each	1	\$ 2,040.00	\$ 2,040.00	\$ 3,000.00	\$ 3,000.00
27	D-751	4' Diameter Manole	Each	1	\$ 1,915.00	\$ 1,915.00	\$ 3,150.00	\$ 3,150.00
28	D-751	Connect New Pipe into Existing Drop Inlet	Each	1	\$ 860.00	\$ 860.00	\$ 1,200.00	\$ 1,200.00
29	T-901	Seeding	ACRE	2	\$ 1,472.00	\$ 2,944.00	\$ 1,472.00	\$ 2,944.00
30	T-901	Watering	Gallons	50	\$ 75.00	\$ 3,750.00	\$ 75.00	\$ 3,750.00
31	T-908	Mulching	ACRE	2	\$ 755.00	\$ 1,510.00	\$ 755.00	\$ 1,510.00
32	PSP	Tie-Down Installation	EACH	36	\$ 320.00	\$ 11,520.00	\$ 350.00	\$ 12,600.00
Total-Base Bid						\$ 822,021.50		\$ 1,065,600.00

Attachment: Certified Bid Tab ONX North Apron Rehab 0126 21 (Bid Award-Airport North Apron



CURRITUCK COUNTY REGIONAL AIRPORT
NORTH AIRCRAFT PARKING APRON PAVEMENT REHABILITATION

- LIMITS OF REHABILITATION
- PHASE 1 WORK AREA
- PHASE 2 WORK AREA



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3060)

Agenda Item Title: Planning Board

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Chairman Payment will appoint Lynn Hicks to serve on the Planning Board, replacing Tim Thomas. Mr. Hicks will fill an unexpired term ending December, 2022.

Other members eligible for reappointment to serve full terms expiring December 31, 2022, are:

Garry Owens	1st Full Term
Bryan Bass	1st Full Term
C. Shay Balance	3rd Term

Ana Hilgendorf has expressed her desire to step down from the Planning Board.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:

PLANNING BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Ana Hilgendorf	District 1	Resigned	Bob White	December 3, 2018	1st Term 12/31/2020
Garry Owens	District 2		Selina Jarvis	February 18, 2019	Unexp Term 12/31/2020
James Timothy Thomas	District 3	Will be replaced-Lynn Hicks	Mike Payment	February 18, 2019	2nd Term 12/31/2020
Bryan Bass	District 4		Paul Beaumont	February 18, 2019	Unexp Term 12/31/2020
Juanita Krause	District 5		J. Owen Etheridge	Dec. 2, 2019	1st Term 12/31/2021
C. Shay Ballance	At-Large		Kevin McCord	February 18, 2019	2nd Term 12/31/2020
David Doll	At-Large		Kitty Etheridge	Dec. 2, 2019	1st Term 12/31/2021
Can be Reappointed					



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3052)

Agenda Item Title: Budget Amendments

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Funds transfer requests

Potential Budget Affect: See budget amendments for net affects

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:

Number 20210088

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50550-592023	Terminal Fencing 36237.8.16.1	\$ 46,494	
50330-448000	State Aide to Airports		\$ 41,845
50390-495042	T F - Transfer Tax Capital Fund		\$ 4,649
		<hr/>	<hr/>
		<u>\$ 46,494</u>	<u>\$ 46,494</u>

Explanation: County Governmental Construction - Airport Projects (50550) - Increase appropriations to record Airport Terminal Fencing project funded by State Aide to Airport grant 36237.8.16.1 and 10% local match funded from Transfer Tax Capital funds that is available in the construction fund from prior closed projects.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$46,494.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Mar 1_General Meeting (Budget Amendments)

Number 20210089

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10752-514003	Travel - Special Adoption	\$ 1,642	
10752-532003	Supplies - Special Adoption		\$ 1,642
		<u>\$ 1,642</u>	<u>\$ 1,642</u>

Explanation: Social Services - Public Assistance (10752) - Transfer budgeted funds for special adoption travel expenses.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Mar 1_General Meeting (Budget Amendments)

Number 20210090

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10490-561000	Professional Services		\$ 1,200
10490-590003	Capital Outlay		7,300
10490-545000	Contracted Services Other	\$ 2,000	
10490-532003	Supplies Court Facility/Jail	4,000	
10490-532000	Supplies Other	2,500	
		<u>\$ 8,500</u>	<u>\$ 8,500</u>

Explanation: Judicial Building (10490) - Transfer budgeted funds for operations of the judicial building for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Mar 1_General Meeting (Budget Amendments)

Number 20210091

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10460-536000	Uniforms	\$ 1,000	
10460-514000	Travel		\$ 1,000
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

Explanation: Public Works (10460) - Transfer budgeted funds to work boots for public works staff.

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

Minute Book # _____, Page # _____

Journal # _____ Clerk to the Board

Attachment: BudAmends_Mar 1_General Meeting (Budget Amendments)

Number 20210092

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of March 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10440-532000	Supplies	\$ 2,500	
10440-506000	Health Insurance		\$ 2,500
		<hr/>	<hr/>
		<u>\$ 2,500</u>	<u>\$ 2,500</u>

Explanation: Finance (10440) - Transfer budgeted funds to replenish check/envelop stock for accounts payable.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Mar 1_General Meeting (Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3054)

Agenda Item Title: Surplus Resolution-Water Tanks

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Surplus of abandoned water tanks, acquired when county purchased water utility systems on the OBX.

Potential Budget Affect: TBD

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on March 1, 2021 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be disposed of at auction or by advertised sale:

DEPT	ASSET	YEAR	MAKE/MODEL	VIN#
66868			10,000 gallon pressure tank	
66868	7612		424,000 gallon ground storage tank	
66868	7613		80,700 gallon ground storage tank	

ADOPTED, this 1st day of March, 2021.

Michael H. Payment, Chairman
Currituck County Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3057)

Agenda Item Title: 2021 March for Meals Proclamation

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Proclamation-2021 March for Meals

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:

A PROCLAMATION PROCLAIMING MARCH 2021 AS THE 19th ANNUAL MARCH FOR MEALS MONTH

WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and

WHEREAS, Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, both congregate and home-delivered, and raise awareness about the escalating problem of senior hunger in America; and

WHEREAS, the 2021 observance of March for Meals celebrates 19 years of providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation; and

WHEREAS, Meals on Wheels programs – both congregate and home-delivered, in Currituck County, North Carolina have served our communities admirably for more than 20 years; and

WHEREAS, volunteers for Meals on Wheels programs in Currituck County, North Carolina are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

WHEREAS, Meals on Wheels programs in Currituck County, North Carolina provide nutritious meals to seniors that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and

WHEREAS, Meals on Wheels programs in Currituck County, North Carolina provide a powerful opportunity for social connection for millions of seniors to help combat the negative health effects and economic consequences of loneliness and isolation; and

WHEREAS, Meals on Wheels programs in Currituck County, North Carolina deserve recognition for the heroic contributions and essential services they have provided amid the COVID-19 pandemic and will continue to provide to local communities, our State and our Nation long after it is over.

NOW, THEREFORE, we, as the Board of Commissioners of Currituck County, North Carolina do hereby proclaim March 2021 as the 19th Annual March for Meals Month and urge every citizen to take this month to honor our Meals on Wheels programs, the seniors they serve and the volunteers who care for them. Our recognition of, and involvement in, the national 2021 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.

Dated this 1st day of March, 2021.

Michael H. Payment, Chairman

ATTEST:

Leeann Walton, Clerk to the Board

Attachment: 2021-Currituck County march-for-meals-proclamation (Proclamation-March for Meals)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3056)

Agenda Item Title: SOBWS Deep Raw Water Main Upgrade-Change Order #1

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Change Order request covers two items: Change the water main tie-in location at the water plant and install a new air release valve.

This project consists of an upgrade of the SOBWS water mains that provide untreated (raw) water from the RO wells to the water treatment plant. The project consists of 3100' of 16" raw water main from the water treatment plant, north to Albacore Street. The contract price is \$919,500. This raw water main will parallel the existing raw water main and serves as a capital improvement plan upgrade for the SOBWS water system.

Due to the congestion and complexity of the water mains and other utilities at the entrance of the water treatment plant, the location of the proposed raw water main tie-in to the existing raw water mains needs to be changed. This will add to the length of pipe creating the need for this change order. This change order also provides for an air release valve at a critical high point in the raw water main.

Attached is the quote for the requested change order amount of \$55,874.26. Staff agrees this is a reasonable cost and funds are available in the current budget account.

Staff recommends BOC approval and execution of Change Order #1 by the County Manager.

Potential Budget Affect: No change, budgeted funds

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:



Enviro-Tech Unlimited Construction

License # 63868

Enviro-Tech Unlimited Construction Services, LLC.
PO Box 157, Nags Head, NC 27959

Telephone (252) 564-7995
FAX (252) 862-2790

Change Order 1 16" Deep Raw Water Main upgrade

Add 2" Air Release Valve at Deep Raw Water Main High Points:

The purpose of the 2" Air Release Valve is

Cost: 7,334.49

- Install (1) 2" Air Release Valve on new 16" Raw Water Main
- Install Traffic Rated Precast Box
- Backfill and Clean-up
- Bond Fees and Insurance Requirements

Re-route 16" Deep Raw Waterline due to 12" Finished Waterline Conflict:

Cost: 48,539.77

- 130 Linear Feet of 16" PVC Watermain (4'-7' depths)
- (1) 16" 90 Ductile Iron Bend with concrete thrust block
- (1) 16" Ductile Iron Sleeve
- (2) 16" 45 Ductile Iron Bends with concrete thrust block
- 200 Sq Ft of Concrete Sidewalk Removal and Replacement
- (1) Potential 10" Shallow Raw Watermain Offset to allow for 16" Tie-in (If 10" watermain offset is not performed a **deduct of 8500\$** can be applied to the contract)
- Grading, Seeding, Clean-up
- Additional Bond Fees and Insurance Requirements

Change Order Cost: \$55,874.26

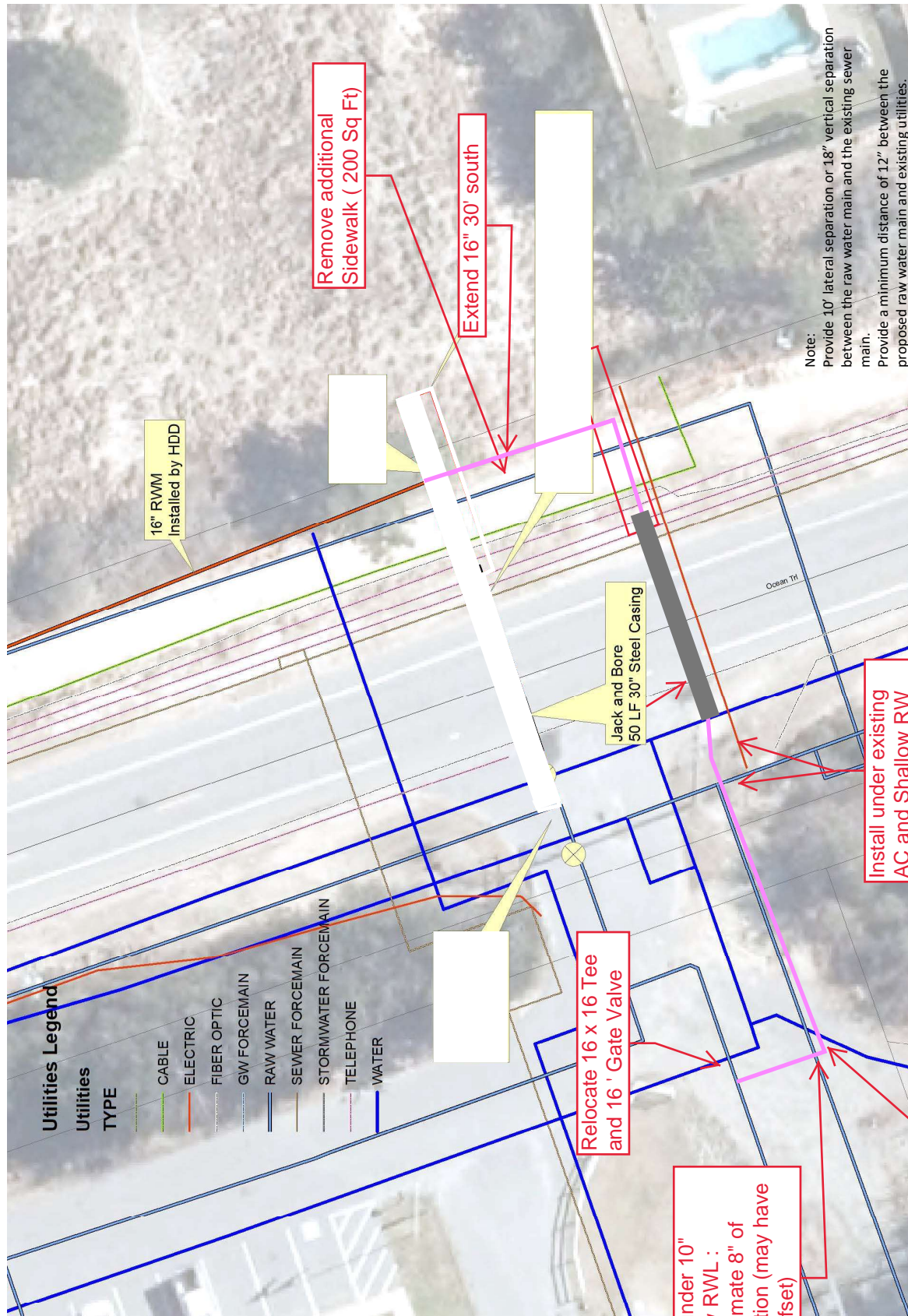
Additional Contract Days: 15 Days

Nick Brown

Enviro-Tech Unlimited Construction Services, LLC

2/10/2021

Attachment: SOBWS-Change Order 1 - Attachment (SOBWS Raw Water Main-Change Order 1)



Inset Detail From Sheet C-01



Revisions	
No.	Description
01/28/20	Add note on separation
08/25/20	

Date:	08/25/20
Scale:	1 in = 10 ft
Drawn:	ETW
Checked:	ETW
Sheet Title:	
Plan View	

Change Order

No. 1 (one)_____

Date of Issuance: _____ Effective Date: _____

Project: 16" Deep Raw Water Main Upgrade	Owner: Currituck County	Owner's Contract No.: N/A
Contract: 16" Deep Raw Water Main Upgrade		Date of Contract: December 11, 2020
Contractor: Enviro-Tech Unlimited Construction Services, LLC		Engineer's Project No.: N/A

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Installation of a 2" air release valve at the high point of the water main at the intersection of Hwy 12 and Albacore St.

Reroute water main at the water plant location due to conflicts with existing water mains.

Attachments: (List documents supporting change):

Enviro-tech change order quote

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$919,500

[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____

N/A

Contract Price prior to this Change Order:

\$919,500

[Increase] [Decrease] of this Change Order:

\$55,874.26

Contract Price incorporating this Change Order:

\$975,374.26

CHANGE IN CONTRACT TIMES:

Original Contract Times: ☐ Working days ☒ Calendar days

Substantial completion (days or date): April 22, 2021

Ready for final payment (days or date): April 22, 2021

[Increase] [Decrease] from previously approved Change Orders

No. N/A to No. _____

Substantial completion (days): N/A

Ready for final payment (days): N/A

Contract Times prior to this Change Order:

Substantial completion (days or date): April 22, 2021

Ready for final payment (days or date): April 22, 2021

[Increase] [Decrease] of this Change Order: 15 days

Substantial completion (days or date): May 7, 2021

Ready for final payment (days or date): May 7, 2021

Contract Times with all approved Change Orders:

Substantial completion (days or date): May 7, 2021

Ready for final payment (days or date): May 7, 2021

RECOMMENDED:

By: _____

Engineer (Authorized Signature)

Date: 2/11/21

Approved by Funding Agency (if applicable): _____

ACCEPTED:

By: _____

Owner (Authorized Signature)

Date: _____

N/A

ACCEPTED:

By: _____

Contractor (Authorized Signature)

Date: 2/11/2021

Date: _____



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3055)

Agenda Item Title: Public Safety Center Utility Easement-Piedmont Gas

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Request for utility easement for Piedmont Gas to service the Public Safety Center. Utility easement and markout included.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:

GRANT OF EASEMENT
DISTRIBUTION

Return Recorded Document To:

Land Services, Natural Gas.
Piedmont Natural Gas Company, Inc.
4720 Piedmont Row Drive
Charlotte, NC 28210

STATE OF NC
COUNTY OF CURRITUCK

Project No: MX9011317
Parcel ID / Tax: 0052000014A0000

THIS GRANT OF EASEMENT made this 17th day of February, 2021, from (hereinafter designated as "GRANTOR"), to **Piedmont Natural Gas Company, Inc.**, (hereinafter designated as "PIEDMONT").

WITNESSETH

That GRANTOR, for and in consideration of the sum of 0 Dollars **(\$0.00)**, and other valuable consideration, the receipt of which is hereby acknowledged, hereby expressly bargains, sells, and grants unto PIEDMONT, its successors and assigns, a perpetual right of way and easement for the purpose of laying, constructing, installing, maintaining, operating, inspecting, repairing, altering, adding to, upgrading, replacing, relocating, removing, and protecting pipelines and appurtenances for the transportation of natural gas under, upon, over, through, and across the land of GRANTOR (or in which GRANTOR has interest) situated in the County of Currituck, NC, as described in deed(s) recorded in Book 875, Page 807 Office of the Register of Deeds for Currituck County, NC, ("Property").

The right of way herein granted is five (10) feet wide, extending two and one half (5) feet on each side of the centerline of the pipeline, the location of which has been mutually agreed upon between GRANTOR and PIEDMONT. The pipeline as actually installed shall determine the centerline of said right of way. Subject to all rights granted to PIEDMONT herein, such right of way shall be the portion of the Property encumbered by this GRANT OF EASEMENT.

PIEDMONT shall have all rights reasonably necessary for the full use and enjoyment of the rights herein granted, including, without limitation, the free and full right of ingress and egress over and across the aforesaid Property and the right, but not the obligation, to keep said right of way cleared of trees, vegetation, undergrowth, buildings, structures, and any other obstructions. GRANTOR shall not construct, nor permit to be constructed, any house, structure, or other obstruction on or over said right of way.

GRANTOR hereby binds GRANTOR and GRANTOR'S heirs, representatives, successors, and assigns to warrant and forever defend all and singular said premises unto PIEDMONT, its successors and assigns, against the claims of all persons whomsoever.

To have and to hold said right of way and easement unto PIEDMONT, its successors and assigns, perpetually and continuously. GRANTOR expressly gives PIEDMONT, its successors and assigns, the right to assign, license, lease, or otherwise transfer, in whole or part, this GRANT OF EASEMENT or any rights given herein, to any person or entity, including but not limited to, any affiliated parent or subsidiary entity of PIEDMONT, for the uses and purposes expressly stated herein.

IN WITNESS WHEREOF, this GRANT OF EASEMENT has been signed under seal by GRANTOR, as of the date first above written.

GRANTOR:

Sign: _____
Print: _____
Title: _____
Sign: _____
Print: _____
Title: _____

Attachment: Piedmont Gas-Easement for Main to serve 125 College Way (Public Safety Center Utility Easement-Piedmont Gas)

STANDARD ACKNOWLEDGMENT

[Notary Certification for Individual]

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public for _____ County, _____, do hereby
 certify that _____ personally appeared before me this day and
 acknowledged the due execution of the foregoing Grant of Easement.
 Witness my hand and official seal this the ____ day of _____, 20____.

[NOTARY SEAL]

Sign:

Print:

My commission expires:

[Notary Certification for Corporation]

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of _____ County, State of
 _____, do hereby certify that _____, [Manager / Member / Managing Member] of
 _____, LLC, a limited liability company, personally appeared before me this day and
 acknowledged that by authority duly given and as the act of the limited liability company the foregoing Grant of
 Easement was signed in its name by him or her in such capacity.

Witness my hand and official seal this the 11th day of February, 2021.

[NOTARY SEAL]

Sign:

Print:

My commission expires:

[Notary Certification for LLC]

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of _____ County, State of
 _____, do hereby certify that _____, [Manager / Member / Managing Member] of
 _____, LLC, a limited liability company, personally appeared before me this day and
 acknowledged that by authority duly given and as the act of the limited liability company the foregoing Grant of
 Easement was signed in its name by him or her in such capacity.

Witness my hand and official seal this the 11th day of February, 2021

[NOTARY SEAL]

Sign:

Print:

My commission expires:





Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3062)

Agenda Item Title: Job Description Revision-Building Inspector I, II, & III

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Revisions to Job Description for Building Inspector positions, Levels I-III

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:

CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: BUILDING INSPECTOR (I, II, III) PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

GENERAL STATEMENT OF JOB

Under general supervision, performs supervisory and skilled inspection work for the county Planning & Community Development Department in securing compliance with established codes governing ~~one or more of the following areas of the building trades: electrical, fire, building (construction and energy), mechanical, and plumbing. Work involves interpreting, applying and enforcing rules and regulations relating to the construction of new buildings and the repair of existing buildings; inspecting electrical installations for quality of workmanship, materials and safety precautions; and interpreting, applying and enforcing rules and regulations for plumbing and mechanical system installations in new and existing buildings. Employee is also responsible for enforcing the fire code, inspecting buildings and facilities for electrical and fire hazards, and reviewing plans and specifications for new construction.~~ the following areas of the North Carolina Building, Electrical, Mechanical, Plumbing, Energy, Accessibility, Existing Building and Fire Codes. Work involves inspection, interpreting, enforcing rules and regulations relating to the construction of residential and commercial construction, renovations, additions, mobile homes, and existing buildings. Employee is also responsible for performing fire inspections on new and existing structures within the county. Work also involves preparing and maintaining inspection reports and records, assisting the general public with inquiries pertaining to building codes and permit procedures, reviewing plans, issuing permits, assisting with zoning and CAMA regulations and serves as a member of the storm damage assessment team. Reports to the Chief Building Inspector.

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

~~Inspects buildings in the process of construction, alteration or repair for compliance with building code requirements, approved plans, and construction and safety practices; examines plot plans, structural framing, insulation installation, and general arrangement of building facilities for quality of design, materials and workmanship.~~

~~Inspects electrical installations and facilities for compliance with code requirements; checks plans and specifications for the proper installation and connections of fixtures; investigates complaints concerning buildings that may not comply with electrical codes.~~

~~Inspects heating, ventilation and air conditioning systems of building structures; reviews newly issued building permits along with plans and specifications for proper heating, ventilation and air conditioning systems; assists and advises contractors and others regarding pertinent regulations.~~

~~Inspects plumbing systems of building structures; reviews newly issued building permits along with plans and specifications for proper plumbing systems; assists and advises contractors and others regarding pertinent regulations.~~

BUILDING INSPECTOR (I, II, III)

Inspects buildings in the process of construction, alteration, or repair for compliance with the NC Building Code requirements; reviews and approves building plans and specifications for code compliance and proper installation. Investigates complaints concerning buildings that may not comply with the building code, state, and local regulations. Follows general construction safety practices in performance of their job duties.

Inspects new and existing facilities for compliance with the NC Electrical Code requirements; reviews and approves electrical plans and specifications for the proper installation. Investigates complaints concerning buildings that may not comply with the electrical code.

Inspects new and existing facilities for compliance with the NC Mechanical and Fuel Gas Codes requirements; reviews and approves mechanical and fuel gas plans and specifications for the proper installation. Investigates complaints concerning buildings that may not comply with the mechanical and fuel gas codes.

Inspects new and existing facilities for compliance with the NC Plumbing Code requirements; reviews and approves plumbing plans and specifications for the proper installation. Investigates complaints concerning buildings that may not comply with the plumbing code.

Inspects new and existing facilities for compliance with the NC Fire Code requirements; reviews building, fire alarm, sprinkler plans and specifications for the proper installation. Investigates complaints concerning buildings that may not comply with the fire code.

Inspects new and existing facilities for compliance with the NC Accessibility Code requirements; reviews and approves building plans and specifications for the proper installation. Investigates complaints concerning buildings that may not comply with the accessibility code. Conducts yearly ADA accessibility assessments of county buildings for conformance with the American Disability Act.

Performs state required Fire Marshal safety inspections for commercial occupancies throughout the county based on inspection schedule provided by the NC State Fire Code.

When required issues Certificate of Compliance, Certificate of Occupancy and Temporary Certificate of Occupancy for work that has conformed to code requirements.

Inspects new and existing residences, businesses, schools, and other buildings for conformance with safety standards, zoning codes and ordinances; inspects mobile homes manufactured homes; issues inspection certificates for approved installation; informs public concerning code regulations. Provides educational information for contractors and the public.

Enforces state and local building codes, issuing stop-work orders, condemnation of dilapidated structures, conducts condemnation hearings, and issues condemnation orders. ~~and pursuing~~ Pursues other legal remedies, as necessary, to stop violations; testifies in court, as necessary.

Prepares and maintains reports and records pertaining to inspections and code enforcement work.

Reviews and studies building code regulations to maintain knowledge of changes in building codes and ordinances; completes necessary classes to maintain required inspection certification.

BUILDING INSPECTOR (I, II, III)

ADDITIONAL JOB FUNCTIONS

Assists in enforcing CAMA regulations.

Assists in enforcing FEMA and county flood regulations.

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

Member of storm damage assessment team.

Performs other related work as required.

MINIMUM TRAINING AND EXPERIENCE

Graduation from high school, supplemented by special training in building inspection, and some experience in residential and/or commercial electrical building, mechanical or plumbing construction work; or any equivalent combination of training and experience which provides the required knowledge, skills and abilities.

SPECIAL REQUIREMENTS

Possession of a certificate from the North Carolina Code Officials Qualification Board at a level specified by the County and State for area(s) of inspection. Possession of valid North Carolina driver's license.

AREAS OF CERTIFICATION

Building, electrical, Electrical, building (includes energy insulation), mechanical, and plumbing and fire.

CLASS LEVELS

New employees must hold stated certification.

Building Codes Inspector I - Probationary, ~~Limited~~ or Standard Level I in building, plumbing, electrical and mechanical.

Building Codes Inspector II - Standard level 2 certification in at least 2 areas with a probationary level 2 in the remaining areas.

Building Codes Inspector III - Standard level 3 certification in at least 2 areas with a probationary level 3 in the remaining areas.

BUILDING INSPECTOR (I, II, III)

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be physically able to operate a variety of machinery and equipment, including typewriters, copiers, calculators, levels, measuring tapes, electrical diagnostic equipment, etc. Must be physically able to operate a motor vehicle. Must be able to exert up to 50 pounds of force occasionally, and/or up to 25 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Requires the ability to maintain body equilibrium when bending, stooping, crouching, climbing, reaching and/or stretching arms, legs or other parts of body, and to physically maneuver over and/or upon varying terrain, surfaces or physical structures. Physical demand requirements are of those for Medium Work.

Data Conception: Requires the ability to compare and/or judge the readily observable, functional, structural, or composite characteristics (whether similar or divergent from obvious standards) of data, people or things.

Interpersonal Communication: Requires the ability to speak and/or signal people to convey or exchange information. Includes receiving instructions, assignments, or directions from superiors.

Language Ability: Requires the ability to read a variety of reports, correspondence, permits, diagrams, etc. Requires the ability to prepare a variety of correspondence, reports, forms, etc., using prescribed formats. Requires the ability to speak to people with poise, voice control, and confidence.

Intelligence: Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatic form; and to deal with several abstract and concrete variables.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including architectural, construction, electrical, plumbing, engineering, and mechanical terminology.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; calculate decimals and percentages; perform calculations involving variables, formulas, square roots and polynomials.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width, and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using office equipment and hand tools.

Manual Dexterity: Requires the ability to handle a variety of items, such as keyboards, control knobs, switches, hand tools, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Interpersonal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

BUILDING INSPECTOR (I, II, III)

Physical Communication: Requires the ability to talk and hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear.) Must be able to communicate via telephone/cell phone.

KNOWLEDGE, SKILLS AND ABILITIES

~~Considerable knowledge of modern building, plumbing, electrical and mechanical construction practices, materials and equipment of the various stages of construction when violations and defects should be observed and corrected.~~

Considerable knowledge of the approved methods and practices involved in the installation, construction, repair and maintenance of a variety of building, electrical, plumbing, mechanical, and fire suppression equipment.

Considerable knowledge of state and local ordinances and codes administered through the Planning and Community Development Department applicable to the inspector's area of certification.

~~Considerable knowledge of the approved methods and practices involved in the installation, construction, repair and maintenance of a variety of electrical and mechanical equipment.~~

Considerable knowledge of the geographical layout of the County.

Ability to use common office equipment such as but not limited to computers, tablets, cell phones, copiers and other general office/technological equipment and software associated with the position.

Ability to use common measurement and electrical system diagnostic equipment, and hand tools.

Ability to detect and locate defective workmanship in construction or repair of buildings.

Ability to interpret blueprints, diagrams, specifications, codes and building regulations.

Ability to exercise tact, courtesy and firmness with property owners, architects, engineers, developers, contractors, and the ~~general~~ public.

Ability to physically maneuver on scaffolds, structural members and in cramped quarters to accomplish thorough inspections.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

ED: 03/01/2021 (REV BOC)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3058)

Agenda Item Title: Consideration of Memorandum of Agreement Between NC Department of Health and Human Services and Currituck County Regarding Access, Use and Disclosure of Confidential Data and Authorization for County Manager's Execution of Memorandum of Agreement

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

The Memorandum of Understanding identifies roles and responsibilities of the state agency and Currituck County Department of Social Services relating to the sharing and use of confidential data and information provided by the state agency to the county in connection with the county's administration of public assistance programs.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:

Samantha A. Hurd, Director

BOARD MEMBERS
David Doll, Chair
Dorothy Johnson, Vice-Chair
Donald Ray Etheridge Jr.
Mary Etheridge
Megan Morgan



COUNTY OF CURRITUCK
Department of Social Services

153 COURTHOUSE RD., SUITE 400
CURRITUCK, NC 27929

Courier # 10-68-01

Phone: (252) 232-3083
Fax: (252) 232-2167

Physical Address:
2793 Caratoke Hwy.
Currituck, NC 27929

MEMORANDUM

TO: Ben Stikeleather, County Manager

FROM: Samantha Hurd, Social Services Director *SH*

DATE: February 3, 2021

SUBJECT: NCDHHS MOA- Confidentiality

I am writing to provide you with the enclosed Memorandum of Agreement regarding confidential data provided to my department by NCDHHS. The MOA pertains to county access of information DSS uses in the administration of public assistance programs.

Two prior confidentiality MOA's were signed in 2016 and in 1997. I am routing this MOA for your approval and signature as I may not have the authority to sign this independently on behalf of the county.

Please return the signed MOA back to me and I will route it electronically to the proper NCDHHS office. Please let me know if you have any questions.

Attachment: 2021-03-01_MOA_NCDHHS_Confidential Data (MOA-NCDHHS Access, Use and Disclosure)

MEMORANDUM OF AGREEMENT**Between****North Carolina Department of Health and Human Services****And****Currituck County Department of Social Services**

This Memorandum of Agreement (MOA) between the North Carolina Department of Health and Human Services (NC DHHS or Agency) and Currituck County Department of Social Services (County) (and collectively with Agency referred to as the Parties) establishes the agreement between the Parties regarding the County's access to, and use and disclosure of, all confidential data and information provided by the Agency to the County, for purposes of administering North Carolina's public assistance and public service programs.

1. PURPOSE AND SCOPE

The purpose of this MOA is to identify certain roles and responsibilities of each party as it relates to the sharing and use of all confidential data and information provided by the Agency to the County in connection with the administration of North Carolina's public assistance programs as well as the County's administration and performance of other public services delegated to it by law (collectively referred to as NCDHHS Data). For purposes of this MOA, NCDHHS Data, includes, but is not limited to: Social Security Administration (SSA) data; Federal Tax Information (FTI) as defined in the current IRS Publication 1075, Tax Information Security Guidelines for Federal, State and Local Agencies (IRS Publication 1075); protected health information as defined by 45 CFR 160.103; personal information, as defined by the North Carolina Identity Theft Protect Act, N.C.G.S. § 75-61(10); identifying information, as defined by N.C.G.S. § 14-113.20(b); and names or other information concerning persons applying for or receiving public assistance or social services which are confidential pursuant to N.C.G.S. §108A-80.

More specifically, the objectives of this MOA are to:

- Manage the information technology process and systems pertaining to the NCDHHS Data provided by the Agency to the County, and received by the County from the Agency, to ensure compliance with all applicable federal and state laws, regulations, standards and policies regarding the confidentiality, privacy and security of this NCDHHS Data.
- Enhance the County's secure receipt, access to, and use of NCDHHS Data provided by the Agency to the County.

- Allow the County to access and utilize NCDHHS Data provided by the Agency for purposes of administering North Carolina's public assistance and public service programs.

2. BACKGROUND

The Agency administers and oversees a variety of public assistance and public service programs for the State of North Carolina (collectively, Public Assistance Programs), including, but not limited to, the following:

- NC Medicaid Program
- NC Health Choice for Children (North Carolina's CHIP Program)
- Temporary Assistance for Needy Families
- Supplemental Nutrition Assistance Program
- NC Food and Nutrition Services (North Carolina's SNAP Program)
- Work First (North Carolina's Temporary Assistance for Needy Families program)
- Women, Infants and Children (WIC)
- Adult and Family Services
- Child Support Services
- Child Welfare Services

As part of its role pertaining to these Public Assistance Programs, the Agency receives, maintains, and stores certain data pertaining to applicants for, and recipients participating in, the Public Assistance Programs, which includes NCDHHS Data.

The County administers the daily operations of many of the Public Assistance Programs at the local level, in accordance with State and Federal law, and policies and rules adopted by the Agency. As part of its role pertaining to these Public Assistance Programs, the County accesses and utilizes certain data pertaining to applicants for, or recipients participating in, the Public Assistance Programs, which includes NCDHHS Data.

The Agency and the County agree to work cooperatively to ensure that NCDHHS Data is available to the County for purposes of administering North Carolina's Public Assistance Programs, and that the County accesses and utilizes NCDHHS Data in accordance with applicable federal and state laws, regulations, standards and policies governing confidentiality, privacy and security of the NCDHHS Data and the terms of this MOA. The parties acknowledge and agree that this MOA is intended to continue and renew and prior similar memorandum of agreement in place between the Parties which was effective on or about October 14, 2016.

3. AUTHORITY OF PARTIES

Each Party is an agency of the State of North Carolina and operating pursuant to its respective statutory authority and obligations. This MOA is authorized under the

provisions of N.C.G.S. §§ 108A-25, 108A-54, and 153A-11 and Article 13 of Chapter 153A of the North Carolina General Statutes, and the implementing recommendations or regulations of these laws, if any. For the convenience of the Parties and avoidance of doubt, the Parties acknowledge and agree that NC DHHS is the “Agency” as such term is used in IRS Publication 1075, and that the County is a statutory agent but not a “contractor” or “agent” as such term is used in North Carolina statutory or common law. The Agency acknowledges it is authorized to receive and use FTI pursuant to 26 U.S.C. § 6103.

4. PARTIES’ ROLES AND RESPONSIBILITIES

Pursuant and subject to this MOA, the Agency shall provide to the County NCDHHS Data pertaining to the Public Assistance Programs, through access to the Agency’s information technology systems utilized in conjunction with the Public Assistance Programs. These information technology systems include, but are not limited to, the Agency’s current NC FAST case management system (NC FAST), and the legacy information systems which preceded NC FAST (collectively, NCDHHS Information Systems). The NCDHHS Information Systems are secured via Agency access control mechanisms and related procedures, including, but not limited to, Resource Access Control Facility (RACF), North Carolina Identification (NCID), and Web Identity Role Management Portal (WIRM) (collectively, NCDHHS Access Controls).

All NCDHHS Data that the Agency provides to the County shall remain confidential and secure at all times. Confidentiality and security of this NCDHHS Data will be maintained by the County in accordance with all applicable federal and state laws, regulations, standards and policies governing this NCDHHS Data and in accordance with the terms of this MOA. Only appropriately authorized County employees whose job responsibilities require access to the NCDHHS Data will be granted access to the NCDHHS Data, through the NCDHHS Information Systems and NCDHHS Access Controls. Any data, records or other information shared through this MOA are protected from unauthorized use and disclosure and shall be accessed and used by the County solely for purposes of administering and operating the Public Assistance Programs.

NCDHHS agrees:

- a. To provide NCDHHS Data to the County through access to the NCDHHS Information Systems in strict accordance with the NCDHHS Access Controls and in accordance with the terms of this MOA.
- b. To allow the County to access and utilize the NCDHHS Data to administer and operate the Public Assistance Programs.
- c. To allow appropriately authorized County employees whose job responsibilities require access to the NCDHHS Data to access and utilize the NCDHHS Data through access to the NCDHHS Information Systems, to the extent needed to perform their job responsibilities.

- d. To work cooperatively with the County regarding County employee access to NCDHHS Data and NCDHHS Information Systems, and compliance with this MOA and applicable law.
- e. To be responsible for supervision of its own employees and subcontractors.

The County agrees:

- a. To grant access to NCDHHS Data through access to the NCDHHS Information Systems only to County employees authorized in strict accordance with the NCDHHS Access Controls and in accordance with the terms of this MOA.
- b. To ensure the NCDHHS Data and NCDHHS Information Systems are accessed and utilized only for the purposes authorized by law and under this MOA in conjunction with the administration and operation of the Public Assistance Programs.
- c. To grant access to the NCDHHS Data only to appropriately authorized County employees whose job responsibilities require access to the NCDHHS Data, and only for purposes of administering and operating the Public Assistance Programs.
- d. To ensure NCDHHS data is available only to persons authorized by law and this MOA to access and use the NCDHHS Data.
- e. To ensure NCDHHS Information Systems are accessed only by persons authorized by law and this MOA to access the NCDHHS Information Systems.
- f. To obtain prior written permission from NCDHHS for the disclosure of any NCDHHS Data to any subcontractor. If NCDHHS approves disclosure of any NCDHHS Data to a County subcontractor, the County shall ensure the subcontractor is provided a copy of this MOA and signs a written agreement with the County acknowledging receipt of a copy of this MOA and agreeing to comply with the terms of this MOA as it relates to the subcontractor's access to NCDHHS Data.
- g. To obtain prior written permission from NCDHHS for granting access to any of the NCDHHS Information Systems to any subcontractor. If NCDHHS approves access of a subcontractor to any NCDHHS Information System, the County shall ensure the subcontractor is provided a copy of this MOA and signs a written agreement with the County acknowledging receipt of a copy of this MOA and agreeing to comply with the terms of this MOA as it relates to the subcontractor's access to NCDHHS Information Systems.

- h. To ensure that all information technology systems receiving, storing, processing, or transmitting FTI meet the requirements in IRS Publication 1075.
- i. To maintain a current list of employees authorized to access and utilize the NCDHHS Data provided by the Agency pursuant to this MOA, and to provide the Agency a copy of that list upon written request by the Agency.
- j. To submit, when requested by the Agency, a written certification that continuous security monitoring has been performed in accordance with applicable requirements. Additionally, the County will submit a written certification that all mainframe and network device configurations supporting the County environment is compliant with all applicable requirements. This certification will be provided to the Agency with supporting evidence, such as a recent vulnerability scan.
- k. At the Agency's request, the County will work with the IRS, Social Security Administration, or other federal agencies or their agents with respect to periodic safeguard and security reviews. The County will support the resolution of the Agency's finding based on a written plan satisfactory to both Parties.
- l. Upon notification from the IRS, Social Security Administration, other federal agencies, or the Agency of changes to functional and security specifications, the County will collaborate with the Agency to develop and implement plans to meet specified requirements in accordance with guidance and direction provided by the IRS and/or the Agency. The County will be responsible for costs arising from such modifications.
- m. To provide annual access and disclosure awareness and incident reporting training to its employees and any approved contractors that may have access to SSA data and/or FTI data (only certain functions in support of Child Support Enforcement may allow contractor access to FTI).
- n. To work cooperatively with the Agency regarding County employee or contractor access to NCDHHS Data and NCDHHS Information Systems, and compliance with this MOA and applicable law.
- o. To be responsible for supervision of its own employees.

5. ACCESS CONTROL

The County shall be responsible for reviewing, approving, delegating and monitoring access by County employees and any approved subcontractors to NCDHHS Data, in strict accordance with the NCDHHS Access Controls applicable to the NCDHHS Information Systems involved and in accordance with the terms of the MOA. In addition, the County will adhere to any written standard or guidelines provided by the Agency

regarding management and implementation of the NCDHHS Access Controls, and access to the NCDHHS Information Systems, including, but not limited to, the information systems access control policy in the current version of North Carolina Statewide Information Security Manual, located at <http://it.nc.gov/document/statewide-information-security-manual>.

6. CONFIDENTIALITY AND SECURITY

The Agency and the County acknowledge and agree that the NCDHHS Data which the Agency provides to the County shall be classified as, and shall remain, "NCDHHS Data" or "State Data". At no time will the NCDHHS Data provided by the Agency ever be classified as County data.

The County acknowledges and agrees that in accessing, receiving, utilizing or otherwise dealing with the NCDHHS Data, it will safeguard and not use or disclose such NCDHHS Data except as provided in this MOA. The County shall protect the confidentiality of the NCDHHS Data in accordance with applicable federal and North Carolina laws, regulations, standards and guidelines, including, but not limited to the following:

- Privacy Act of 1974 (5 USC § 552a), as amended by the Computer Matching and Privacy Protection Act of 1988;
- IRS Publication 1075;
- Medicaid, 42 U.S.C. § 1396(a)(a)(7), 42 CFR Part 431.300-307;
- Temporary Assistance to Needy Families, 42 U.S.C. § 602 (a)(1)(A)(iv);
- Supplemental Nutrition Assistance Program, 7 U.S.C. § 2020 (e)(8); 7 CFR Part 272.1(c);
- Social Security Act, 42 U.S.C. § 1396(a)(a)(7);
- Social Security Administration Disclosure, 20 CFR Part 401;
- Child Support, 42 U.S.C. § 654(26);
- Public Assistance Programs (Public Welfare), 45 CFR Part 205.50; and U.S. Department of Labor Employment and Training Administration, 20 CFR Part 603;
- Health Information Portability and Accountability Act and HIPAA Privacy Rule, 45 CFR Part 160 and Subparts A and E of Part 164;
- North Carolina law governing confidentiality of, and access to, public assistance program data and records, including N.C. Gen. Stat. 108A-80 and implementing regulations; and
- North Carolina Identity Theft Protection Act, N.C. Gen. Stat. 75-60 et seq. and 132-1.10 and any implementing regulations.

The County acknowledges and agrees that some of the data elements included within the NCDHHS Data can be classified as "identifying information" within the meaning of N.C.G.S. § 14-113.20(b). In addition, the combination of certain data elements could classify the data elements as "personal information" within the meaning of N.C.G.S. § 75-61(10). Since the Agency and the County are subject to the North Carolina Identity Theft Protect Act requirements, N.C.G.S. § 132-1.10 and 75-65, the Agency and the

County acknowledge and understand that the unauthorized disclosure, misuse, or loss of these certain data elements could subject the County and/or the Agency to security breach notification requirements.

The County shall safeguard and protect the security of the NCDHHS Data from loss, theft, or inadvertent disclosure, in accordance with applicable federal and North Carolina laws, regulations, standards and guidelines, and policies including, but not limited to the following:

- Federal Information Security Management Act of 2002 (44 USC 3541 et seq.);
- SSA's "Electronic Information Exchange Security Requirements and Procedures for State and Local Agencies Exchanging Electronic Information with the Social Security Administration"
- IRS Publication 1075;
- Health Information Portability and Accountability Act and HIPAA Security Rule, 45 CFR Part 160 and Subparts A and C of Part 164; and
- National Institute of Standards and Technology guidelines.

In accordance with applicable federal and North Carolina statutes, regulations, standards, and policies, the County shall use appropriate physical and technological security safeguards to prevent re-disclosure of NCDHHS Data, and to protect NCDHHS Data in paper and/or electronic forms during transmission, storage or transport. The County shall use encryption during the data transmission process and shall protect NCDHHS Data on portable computers and devices through the use of applicable encryption and strong authentication procedures and other security controls to make NCDHHS Data unusable and inaccessible by unauthorized individuals.

The County shall monitor County employees' access to higher-risk NCDHHS Data elements such as Social Security numbers, dates of birth, and FTI. The County shall terminate access privileges to NCDHHS Data of County employees immediately when their employment has been terminated or their job responsibilities no longer require access.

The County shall dispose of paper and equipment containing NCDHHS Data in a secure manner in accordance with applicable law and information security NIST standards. At the request of the Agency, the County shall provide documentation of proper disposal of NCDHHS Data to NCDHHS.

The County shall implement procedures for detecting, investigating, reporting and responding to security incidents involving NCDHHS Data. The County shall implement an Incident Management Plan which will be the source for how to handle incident management involving NCDHHS Data, and the Incident Management Plan will be available to the Agency upon request.

The County shall evaluate and report all losses, misuse, or unauthorized disclosure of NCDHHS Data to the NCDHHS Privacy and Security Office without unreasonable delay. Any expenses incurred as a result of the loss, misuse, or unauthorized disclosure of NCDHHS Data by the County will be the responsibility of the County.

The County shall report any suspected or confirmed privacy or security breach or incident involving the NCDHHS Data to the NCDHHS Office of Privacy and Security via electronic mail and the Office's website: <http://www.ncdhhs.gov/about/administrative-divisions-offices/office-privacy-security>, within 24 hours after the suspected or confirmed breach is first discovered. The County shall report any suspected or confirmed privacy or security breach involving Social Security Administration or Federal Tax Information data to: (i) the NCDHHS Office of Privacy and Security via the online incident reporting tool at the link above, or if after normal business hours, (ii) the NCDHHS Chief Information Security Officer via the phone numbers listed at the link above, **IMMEDIATELY** and within 60 minutes after the suspected or confirmed privacy or security breach is first discovered. The County acknowledges and agrees that it must make immediate reports of any suspected or confirmed breach involving SSA or FTI data in the manner set forth above in order to enable the Agency to fulfill the Agency's obligation to report the suspected or confirmed breach to the SSA or IRS (as applicable) within one hour after it is first discovered. The County will collaborate and cooperate with the Agency regarding investigation, actions and potential remedies pertaining to any suspected or confirmed privacy or security breach or incident involving NCDHHS Data.

If the County experiences a security breach involving NCDHHS Data, the County will be responsible for providing notification to all affected persons. The County will collaborate and cooperate with the NCDHHS Office of Privacy and Security regarding the content and timing of notification prior to providing the notification. Any and all expenses incurred as a result of any suspected or confirmed security breach involving NCDHHS Data will be the responsibility of the County.

7. CONTACTS

The Parties mutually agree that the following named individuals will be designated as points of contact for the MOA on behalf of the Agency and the County:

For NCDHHS:

Pyreddy Reddy Chief Information Security officer N.C. DHHS Privacy and Security Office 695 Palmer Drive Raleigh, NC 27605 Phone: (919) 855-3090 Fax: (919) 733-1524 Email: pyreddy.reddy@dhhs.nc.gov	
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For County:

Samantha A. Hurd Director 153 Courthouse Rd. Suite 400 Currituck, NC 27929 Phone: (252) 232-6040 Fax: (252) 232-2167 Samantha.Hurd@CurrituckCountyNC.gov	
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The Parties agree that if there is a change regarding the information in this section, the party making the change will notify the other party in writing of such change.

8. LIABILITY AND INDEMNIFICATION

Nothing herein shall be construed as a waiver of the sovereign immunity of the State of North Carolina or the assumption by the State of any liability contrary to the laws and statutes of North Carolina. Each Party shall be responsible for its own liabilities and neither Party shall seek indemnification from the other.

This MOA shall inure to the benefit of and be binding upon the Parties hereto and their respective successors in the event of governmental reorganization pursuant to N.C.G.S. § 143A-6 or other authority.

9. MONITORING AND AUDITING

The IRS, SSA, any other federal agency or the Agency, with advance notice, shall have the right to send its officers and employees into the offices and facilities of the County for inspection of the County's facilities to ensure that adequate safeguards and security

measures have been maintained as required by this MOA. Key areas to be inspected include record keeping, secure storage, limited access, disposal, and computer security systems such as those described in IRS Publication 1075. The County and the Agency will work together to correct any deficiencies identified during any internal inspection. The Agency may opt to utilize the County representatives for compliance validation.

The State Auditor shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7 and other applicable laws or regulations.

The NC DHHS Privacy and Security Office will conduct privacy and security assessments based on NIST Standards, Federal, State and DHHS Privacy and security requirements,

10. DURATION OF AGREEMENT AND MODIFICATION

This MOA is effective on January 1, 2021, and shall continue for an initial term of 18 months following the effective date, through and including June 30, 2022, after which it may be renewed for additional terms as mutually agreed upon in writing by the Parties.

The Parties shall review this MOA as deemed necessary by the Agency, or upon the written request of either the Agency or the County to the other party, or whenever a State or Federal statute is enacted that material affects the substance of this MOA, in order to determine whether it should be revised or renewed, as applicable.

Notwithstanding all other provisions of this MOA, the Parties agree that this MOA may be amended at any time by written mutual consent of both Parties.

11. GOVERNING LAW

The validity of this MOA and any of its terms or provisions, as well as the rights and duties of the parties to this MOA, are governed by the laws of North Carolina. The place of this MOA and all transactions and agreements relating to it, and their situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

12. OTHER PROVISIONS/SEVERABILITY

Nothing in this MOA is intended to conflict with current federal or state laws or regulations, or any governing policies of the County or the Agency. If any term of this MOA is found by any court or other legal authority, or is agreed by the Parties to be in conflict with any law or regulation governing its subject, the conflicting term shall be considered null and void. The remaining terms and conditions of this MOA shall remain in full force and effect.

13. ENTIRE AGREEMENT

This MOA and any amendments hereto and any documents incorporated specifically by reference represent the entire agreement between the Parties and supersede all prior oral and written statements or agreements.

14. TERMINATION

The Parties may terminate this MOA at any time upon mutual written agreement. In addition, either party may terminate this MOA upon 90 days' advance written notice to the other party. Such unilateral termination will be effective 90 days after the date of the notice or at a later date specified in the notice. In the event this MOA is terminated unilaterally by the County, the Agency will suspend the flow of NCDHHS Data to the County until a superseding written agreement is executed by the Parties.

The Agency may immediately and unilaterally suspend the flow of NCDHHS Data to the County under this MOA, or terminate this MOA, if the Agency, in its sole discretion, determines that the County (including its employees, contractors and agents) has: (i) made an unauthorized use or disclosure of NCDHHS Data; (ii) provided unauthorized access to NCDHHS Information Systems; or (iii) violated or failed to follow the terms and conditions of this MOA.

NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES

BY: _____

Date

Susan G. Osborne
Assistant Secretary for County Operations

CURRITUCK COUNTY

BY: *Samantha A. Hurd* _____

Samantha A. Hurd
Social Services Director

2/3/21
Date

Ben Stikeleather
County Manager

Date

Attachment: 2021-03-01_MOA_NCDHHS_Confidential Data (MOA-NCDHHS Access, Use and Disclosure)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3059)

Agenda Item Title: Consideration of Special Order by Consent Between Currituck County and NC Environmental Management Commission Regarding County Non-Discharge Permit No. WQ0035706 and Authorization for County Manager's Execution of Special Order by Consent

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

The Special Order By Consent authorizes the county's continued operation of the Moyock Wastewater Plant, with conditions, as the county designs and constructs a replacement wastewater treatment facility.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:

**NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION**

COUNTY OF CURRITUCK

IN THE MATTER OF
NORTH CAROLINA
NON-DISCHARGE PERMIT
NUMBER WQ0035706
HELD BY CURRITUCK COUNTY

}
} SPECIAL ORDER BY CONSENT
} EMC SOC S17-005 Ad. II
}

Pursuant to provisions of North Carolina General Statutes (G.S.) 143-215.2 and 143-215.67b, this Special Order by Consent (SOC) is entered into by Currituck County, hereinafter referred to as the Permittee, and the North Carolina Environmental Management Commission, an agency of the State of North Carolina created by G.S. 143B-282, and hereinafter referred to as the Commission:

1. The Permittee and the Commission hereby stipulate the following:

- (a) The Permittee holds North Carolina Non-Discharge Permit No. WQ0035706 for operation of an existing wastewater treatment and disposal system. The currently permitted wastewater treatment system is not capable of consistently meeting effluent limits in the current permit due to numerous equipment failures, construction issues, and the strength of the influent wastewater being greater than what was estimated when the system was designed. Previous unsuccessful attempts to improve the system's performance have resulted in it being modified from its original design. Compliance will require modification of the treatment system to bring it back to its original configuration.
- (b) Noncompliance with permit conditions constitutes causing and contributing to pollution of the waters of this State, and the Permittee is within the jurisdiction of the Commission as set forth in G.S. Chapter 143, Article 21.
- (c) The Permittee has secured grants or otherwise will secure financing for planning, design, and construction of some portion of the construction necessary to achieve compliance with permit conditions.
- (d) Since this Special Order is by Consent, neither party will file a petition for a contested case or for judicial review concerning its terms.
- (e) The County desires to cause or allow the discharge of 19,413 gallons per day of additional domestic wastewater to the temporary treatment works. The additional wastewater flow will be granted to the County upon approval from the Division of Water Resources in the Washington Regional Office upon documentation that wastewater flows meet domestic strength (MET). **Any additional wastewater flow beyond the 19,413 gpd must be approved by the Division of Water**

Resources in the Washington Regional Office. The nature of the additional flows is such that the waste characteristics do not exceed those generally associated with domestic waste or are pretreated to domestic strengths. Waste of greater than normal domestic strength will not be approved for discharge. Based on the diversion of 7000 gallons of flow to the Moyock Commons WWTP (Non-Discharge Permit No. WQ0015053), the Division of Water Resources in the Washington Regional Office approves the allocation of 7000 gallons of additional flow to the Moyock Regional WWTP (Non-Discharge Permit No. WQ0035706).

- (f) The Permittee shall repair the high rate infiltration system prior to adding additional flow. The repairs shall include the removal of two feet of sand from the system and repair all spray equipment such that all spray nozzles work as designed. The permittee shall also install a staff gauge in the high rate infiltration system. The top of the gauge will correspond to lowest point of the dike wall. The staff gauge readings shall be recorded weekly and reported with the quarterly reports. The high rate system will operate either as a dry or wet system. The infiltration system shall maintain two foot of freeboard at all times (MET).
2. The Permittee desiring to comply with the Permit identified in Section 1(a) above, hereby agrees to do the following:
 - (a) Undertake the following activities in accordance with the indicated time schedule:
 - (1) **On or before July 1, 2017**, begin work to return the treatment system to its original configuration (MET).
 - (2) **On or before July 1, 2018**, complete the restoration of the treatment system to its original configuration (MET).
 - (3) **On or before September 1, 2019**, install and operate a temporary, mobile 60,000 GPD wastewater treatment system (wwtp) during which time the existing wwtp would be temporarily shut down (MET).
 - (4) **On or before October 1, 2019**, submit a permit modification application to upgrade the existing wastewater treatment system and/or to construct a new 200,000 GPD wastewater treatment and disposal system. Also, complete repairs to the existing infiltration disposal system (MET).
 - (5) **On or before March 1, 2020**, begin upgrades to the existing wastewater treatment system and/or construction of a new 200,000 GPD wastewater treatment and disposal system (MET).
 - (6) **On or before September 1, 2020**, complete upgrades to the existing wastewater treatment system and put the existing wastewater treatment system back in operation while maintaining operation of the temporary, mobile 60,000 GPD wastewater treatment system (MET).
 - (7) **On or before April 1, 2021**, complete a Request for Qualifications process in accordance with the Mini-Brooks Act for selection of an engineering firm.
 - (8) **On or before October 1, 2022**, submit a permit modification application to

replace the existing wastewater treatment system.

- (9) **On or before May 1, 2023**, begin construction of the replacement 99,000 GPD wastewater treatment and disposal system.
 - (10) **On or before October 1, 2024**, complete construction and begin operation of the replacement 99,000 GPD wastewater treatment and disposal system.
 - (11) **Provide the Washington Regional Office with quarterly progress reports.** Reports are due within 30 days following the end of each calendar quarter. The quarterly reports shall include, at a minimum, documentation of the Permittee's status of operation of the current treatment system and temporary irrigation system, and the status of permit modification and new treatment and disposal system construction activities. **The first quarterly report is due prior to July 31, 2017**, and then reports are due as noted above.
- (b) Permittee shall comply with all terms and conditions of the permit except in relation to the issues noted in 1(a) and shall make every effort to prevent the discharge of wastewater to the State's waters within its ability to operate the treatment and disposal facilities. The Permittee may also be required to monitor for other parameters as deemed necessary by the Director in future permits or administrative orders.
 - (c) No later than thirty (30) calendar days after any date identified for accomplishment of any activity listed in Section 2(a) above, submit to the Division of Water Resources (DWR) Director a written notice of compliance or noncompliance therewith. In the case of noncompliance, the notice shall include a statement of the reason(s) for noncompliance, remedial action(s) taken, and a statement identifying the extent to which subsequent dates or times for accomplishment of listed activities may be affected.
 - (d) During the time in which this Special Order by Consent is effective, the Permittee shall comply with the effluent limitations as contained in Attachment A of Non-Discharge Permit No. WQ0035706 (with exception of the parameters listed below) by operation of the temporary, mobile wastewater treatment system currently onsite. This treatment system will be operated under Interim Operation Plan contained in Attachment A of this Order.

Under this Special Order by Consent, ONLY the parameters listed below have been modified from the most current Non-Discharge Permit WQ0035706 currently in effect.

PPI001 – WWTP Effluent

<u>Parameters</u>	<u>Unit</u>	<u>Permit</u>	<u>Modified Limitations</u>
		<u>Limitations</u>	<u>(SOC)</u>
		<u>Monthly Avg.</u>	<u>Monthly Avg.</u>
Flow, in conduit or thru treatment plant	GPD	99,000	79,200

3. The Permittee agrees that unless excused under Section 4, the Permittee will pay the

Director of DWR, by check payable to the North Carolina Department of Environmental Quality, stipulated penalties according to the following schedule for failure to meet deadlines set out in Sections 2(a) and 2(c) or for failure to properly operate the wastewater treatment and disposal system.

Failure to meet a schedule date:	\$100/day for the first seven days; \$500/day thereafter
Failure to maintain compliance with any modified limit contained in the SOC:	\$500/violation
Failure to comply with a SOC condition:	\$500/day until condition is met
Failure to achieve final compliance date:	\$10,000
Failure to submit a progress report:	\$1,000/first violation; penalty doubles with each SUBSEQUENT ASSESSMENT
Failure to prevent run-off	\$500/first violation; penalty increases with each subsequent run-off incident

4. The Permittee and the Commission agree that stipulated penalties are not due if the Permittee satisfies DWR that noncompliance was caused solely by:

- (a) An act of God;
- (b) An act of war;
- (c) An intentional act or omission of a third party, but this defense shall not be available if the act or omission is that of an employee or agent of the defendant or if the act or omission occurs in connection with a contractual relationship with the Permittee;
- (d) An extraordinary event beyond the Permittee's control. Contractor delays or failure to obtain funding will not be considered as events beyond the Permittee's control; or
- (e) Any combination of the above causes.

Failure within 30 days of receipt of written demand to pay the penalties, or challenge them by a contested case petition pursuant to G.S. 150B-23, will be grounds for a collection action, which the Attorney General is hereby authorized to initiate. The only issue in such an action will be whether the 30 days has elapsed.

- 5. This SOC and any terms, conditions and interim effluent limitations contained herein, hereby supersede any and all previous Special Orders, Enforcement Compliance Schedule Letters, terms, conditions, and limitations contained therein issued in connection with Permit No.WQ0035706.
- 6. Noncompliance with the terms of this SOC are subject to enforcement action in addition to the above stipulated penalties, including injunctive relief pursuant to G.S. 143-215.6C.
- 7. The Permittee, upon signature of this SOC, will be expected to comply with all schedule dates, terms, and conditions of this document.

8. This SOC shall expire February 1, 2025.

For Currituck County:

Signature of Signing Official

Date _____

For the North Carolina Environmental Management Commission:

Chairman of the Commission

Date _____

Attachment A

Currituck County - Moyock Regional Interim Operational Plan

The Moyock Regional Wastewater Treatment Facility has struggled to achieve and maintain compliance with its NC DEQ permit. The county has decided replacement of the existing plant is the most prudent solution. The County wishes to modify its Consent Order with NC DEQ. In order to obtain the desired modification, NC DEQ has requested an Operational Plan that addresses the following objectives:

1. Provides a near term plan for utilizing the temporary Membrane Bioreactor Treatment facility into the treatment process.
2. In the event effluent quality at or below permit limits is not achieved, plant performance will be optimized.

Below is the interim operational plan for Moyock Regional WWTP to incorporate the 120,000 gallon a day temporary treatment plant to optimize treatment and effluent quality.

All Flow will be processed through the bar screen, drum screen and equalization unit processes. Flow from the equalization tank will initially be sent to the MBR plant for treatment

-The IFAS plant will still be operated in the event it is needed during maintenance to the MBR plant.

-The effluent from the MBR plant will return to the filter dosing tank for processing through to the sand filters and UV disinfection process.

-PP01 compliance samples will be pulled from the spray field dosing tank using a composite sampler. This location is representative of flow processed through the MBR plant, sand filters, and UV disinfection before being sent to the spray field.

Review and Optimization

Data gathered will be reviewed by Envirolink and the County in order to assess the quality of treatment. The ORC, Currituck County Utility Director and Envirolink Management will review and discuss prudent process modifications with the objective to optimize treatment and effluent quality.

****Any modifications or upgrades to these facilities when be reported to NCDEQ before taking place.**



**CURRITUCK COUNTY
NORTH CAROLINA**

February 15, 2021

Minutes – Regular Meeting of the Board of Commissioners

6:00 PM CALL TO ORDER

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

Attendee Name	Title	Status	Arrived
Michael H. Payment	Commissioner	Present	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	
Bob White	Commissioner	Present	

Chairman Payment called the meeting to order.

A) Invocation & Pledge of Allegiance

Commissioner Jarvis offered the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Jarvis added a personnel discussion pursuant to G.S. 143-318.11(a)(6) to Closed Session. Commissioner Mary Etheridge moved for approval. The motion was seconded by Commissioner McCord. The motion carried, 7-0.

Approved agenda:

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

B) Approval of Agenda

Public Comment

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

Commissioner's

Communication: Minutes for Feb. 15, 2021 (Approval Of Minutes-Feb. 15, 2021)

Report**County Manager's****Report****Administrative****Reports**

A) Resolution Honoring Superior Court Judge J. Carlton "J.C." Cole Upon His Retirement as Resident Superior Court Judge for the First Judicial District of North Carolina.

B) Game Commission Report-Attorney William Brumsey, IV and Commission Chair Andy Shilling

New Business

A) Consideration of Resolution Establishing the Board of Commissioners' Regular Meeting Days and Times

B) Consideration of An Ordinance Amending Section 2-65 of the Currituck County Code of Ordinances Providing for the Location of Old Business and Public Hearings on the Board of Commissioners' Agenda

C) Board Appointments

1. Planning Board

D) Consent Agenda

1. Budget Amendments
2. Vehicle Surplus Resolution-Airport and Sheriff
3. Change Order-Shingle Landing Park Project
4. Surplus Resolutions and Authorization for Sergeant Evelyn Thornton and Deputy Steven Koch to Purchase Service Weapons in the Amount of \$1.00 Upon Retirement
5. Approval Of Minutes-February 1, 2021

Closed Session

Closed Session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) to consult with the county attorney and preserve the attorney-client privilege and; to consult with the County Attorney and preserve the attorney-client privilege in the matter entitled 85' and Sunny, LLC v. Currituck County. ***(Amended to include G.S. 143-318.11(a)(6) to discuss a personnelmatter.)***

Adjourn

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

PUBLIC COMMENT

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

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

COMMISSIONER'S REPORT

Commissioner J. Owen Etheridge recognized the loss of local businessman and owner of El Potrillo restaurants, Samuel, who died tragically in a car accident. He asked for prayers for the family.

Commissioner McCord echoed Commissioner J. Owen Etheridge's sentiments on the loss of Samuel. He provided information on Covid vaccine clinics and resources for information. He thanked Currituck BBQ for providing meals for clinic workers.

Commissioner Beaumont acknowledged the loss of Samuel and said he will be missed at the restaurant.

Chairman Payment reported on Covid-19 vaccine clinics in the County and said feedback on clinic operations has been very positive. He reported on the expected number of doses Currituck County will receive and provided case statistics.

Commissioner White reported on Currituck County's beaches being ranked number six for summer vacation destinations. He reported on Corolla recycling and said homeowners can sign up directly with Bay Disposal, who will continue to provide recycling services if they get enough households to sign up for the program.

Commissioner Jarvis congratulated College of the Albemarle's Associates in Nursing program that received the number one ranking in North Carolina by registerednurse.org. She said she was impressed with the scope of the County's new Public Safety Center following her recent tour of the facility.

COUNTY MANAGER'S REPORT

Ben Stikeleather, County Manager, reported on the Board's recent annual retreat and encouraged people to monitor social media and government press releases as initiatives move forward, as well as informational videos the county will be publishing.

ADMINISTRATIVE REPORTS

A. Resolution Honoring Superior Court Judge J. Carlton “J.C.” Cole Upon His Retirement as Resident Superior Court Judge for the First Judicial District of North Carolina.

The Board of Commissioners recognized the Honorable J.C. Cole upon his retirement from service as Superior Court Judge for the First Judicial District of North Carolina. Chairman Payment invited Judge Cole to the podium where he was presented with a Resolution honoring his career and service to the citizens of Currituck County. Chairman Payment read the Resolution and Clerk of Superior Court Ray Matusko and Sheriff Matt Beickert each took an opportunity to say a few words to honor Judge Cole as did Commissioners. Judge Cole recognized his family, staff and others who assisted him during his years of service.

Chairman Payment called a brief recess to allow guests to exit the Board Room.

RESOLUTION HONORING SUPERIOR COURT JUDGE J. CARLTON “J.C.” COLE UPON HIS RETIREMENT AS RESIDENT SUPERIOR COURT JUDGE FOR THE FIRST JUDICIAL DISTRICT OF NORTH CAROLINA

WHEREAS, Judge J. Carlton “J.C.” Cole is retiring in March 2021 and stepping down from the bench after serving 15 years as District Court Judge and 12 years as Resident Superior Court Judge for the First Judicial District of North Carolina, ending a notable tenure; and

WHEREAS, Judge Cole is a native son of Pasquotank County, North Carolina and began at an early age to prepare for a lifetime of public and community service, attending public schools in Pasquotank County, graduating from Livingstone College with a major in Mathematics, and serving as a United States Navy Reservist, United States Postal Inspector and Private Investigator prior to earning his master’s degree and Juris Doctorate from North Carolina Central University School of Law in 1987; and

WHEREAS, following his 1987 admission to the North Carolina State Bar, Judge Cole entered the private practice of law until his appointment by Governor James B. Hunt, Jr. to the District Court bench in 1994, an appointment receiving acclaim so widespread that the ceremony to swear in Judge Cole was held on the front lawn of the Perquimans County Courthouse because the courtroom was too small for the crowd in attendance; and

WHEREAS, Judge Cole served as a District Court Judge until his appointment by Governor Beverly Perdue to the Superior Court bench in 2009 where he continued to serve after election in 2010 and reelection in 2018; and

WHEREAS, Judge Cole’s service as a judge is notable for the care, attention and respect he gave to parties appearing before him, especially young at-risk defendants he would speak with about their education, future and second chances followed by a step down from the bench to offer a hug as a sign of support and encouragement; and

WHEREAS, despite his busy professional life, Judge Cole has been active in his community and church and as an alumnus of his beloved Livingstone College about which he stated in a 2018 Founder’s Day address, “I understand the importance of this great institution in my life and my development. God first, but Livingstone second.”; and

WHEREAS, after 27 years of distinguished service, Judge Cole leaves an indelible mark on the judiciary and the people of Northeastern North Carolina and will forever be remembered as a determined, concerned, just and caring public servant.

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners expresses its gratitude to Judge J. Carlton “J.C.” Cole for his dedication and service and congratulates him and wishes him happiness and peace in his retirement.

Adopted the 15th day of February 2021.

B. Game Commission Report-Attorney William Brumsey, IV and Commission Chair Andy Shilling

Attorney for the Game Commission, William Brumsey, and Chair Andy Shilling, provided an update on the Game Commission and its authorization to regulate and establish rules governing the hunting of waterfowl in the County. Mr. Brumsey reviewed the application process and rules pertaining to the various types of blinds, permitted hours, budget and appeal processes. Chairman Shilling discussed build reporting processes for blinds and suggested pictures be required for reporting. Mr. Brumsey and Mr. Shilling responded to questions during presentation and Commissioners thanked them for appearing.

NEW BUSINESS

A. Consideration of Resolution Establishing the Board of Commissioners' Regular Meeting Days and Times

County Attorney, Ike McRee, reviewed the Resolution based on discussion at the February Board Retreat that would change the regular meeting time of the second meeting of each month from 6:00 PM to 3:00 PM. Mr. McRee said the change was requested because of the length of some meetings that would run late into the evening. In addition, quasi-judicial hearings would be placed on the earlier meeting to allow expert testimony that is required for use permit applications to take place earlier in the day closer to regular working hours. Mr. McRee and County Manager, Ben Stikeleather, responded to questions from Commissioners.

Commissioner Beaumont expressed concern that, due to work commitments, he would not be able to attend earlier meetings. He also asked about his ability to participate and vote in quasi-judicial proceedings if he was not able to be present at the start of a hearing. Mr. McRee responded to questions and presented scenarios in which a Commissioner could still participate if not in attendance at a meeting, but said the ability to cross-examine witnesses would be lost if a Board member was not present at the hearing.

Commissioners discussed reduced public participation at meetings and scheduling options. Considerations related to staff time and meeting lengths were discussed and Commissioners chose to modify the start time of the second meeting of the month.

Commissioner Mary Etheridge moved to establish a 6:00 PM meeting start for the first Monday meeting of each month, and the meeting on the third Monday of the month would begin at 4:00 PM. Commissioner McCord seconded the motion. The motion carried 6-1 with Commissioner Beaumont opposed.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA ESTABLISHING THE REGULAR MEETING TIME AND PLACE FOR BOARD OF COMMISSIONERS MEETINGS

WHEREAS, pursuant to N.C. Gen. Stat. §153A-40 a board of commissioners shall hold a regular meeting at least monthly; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-40 a board of commissioners may by resolution fix the time and place of its regular meetings.

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

Section 1. Beginning with its meeting on March 1, 2021, the Currituck County Board of Commissioners shall hold its regular meetings on the first Monday of each month at 6:00 p.m. and the third Monday of each month at 4:00 p.m. in the Commissioners Meeting Room of the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina, 27929.

Section 2. The Clerk to the Board of Commissioners shall post a copy of this resolution on the Historic Currituck Courthouse bulletin board and cause its publication no less than ten days prior to March 1, 2021.

Section 3. This resolution shall be effective upon its adoption.

ADOPTED this 15th day of February, 2021.

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

B. Consideration of An Ordinance Amending Section 2-65 of the Currituck County Code of Ordinances Providing for the Location of Old Business and Public Hearings on the Board of Commissioners' Agenda

County Attorney, Ike McRee, reviewed the ordinance amendment to the Code of Ordinances to revise the order of items on the agenda by moving the location of Old Business to take place prior to Public Hearings.

Commissioner White moved for approval of the ordinance amendment. Commissioner Mary Etheridge seconded the motion. The motion carried by unanimous vote of all members, 7-0.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 2-65 OF THE CURRITUCK COUNTY, NORTH CAROLINA CODE OF ORDINANCES PROVIDING FOR THE LOCATION OF OLD BUSINESS AND PUBLIC HEARINGS ON THE BOARD OF COMMISSIONERS' AGENDA

WHEREAS, pursuant to N.C. Gen. Stat. §153A-71 a board of commissioners may adopt its own rules of procedure in keeping with the size and nature of the board and in the spirit of generally accepted principles of parliamentary procedure.

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

PART I. Sec. 2-65 of the Code of Ordinances, Currituck County, North Carolina is rewritten to read as follows

Sec. 2-65. - Order of business.

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- (1) Call to order;
- (2) Invocation and pledge of allegiance;
- (3) Approval of agenda;
- (4) Public comment;
- (5) Commissioner reports;
- (6) County manager's report;
- (7) Administrative reports;
- (8) ~~Public hearings~~ Old business;
- (9) ~~Old business~~ Public hearings;
- (10) New business;
- (11) Board appointments;
- (12) Consent agenda;
- (13) Approval of minutes;
- (14) Adjournment.

Without objection, the chair may call items in any order most convenient for the dispatch of business.

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

PART III. This ordinance is effective immediately upon adoption.

ADOPTED this 15th day of February, 2021.

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

C) Board Appointments

1. Planning Board

No member appointments were made to the Planning Board.

D) Consent Agenda

Commissioner Beaumont moved to approve Consent Agenda. Commissioner McCord seconded the motion. The motion carried, 7-0.

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

1. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
210541-590000	Capital Outlay		\$ 12,500
210541-536000	Uniforms	12,500	
		\$ 12,500	\$ 12,500
Explanation: Corolla Fire Services (210541) - Transfer budgeted funds allocated for complete sets of turnout gear in capital outlay to uniforms for replacement parts for existing sets of turnout gear.			
Net Budget Effect: Corolla Fires Service District Fund (210) - No change.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10430-532100	Ballots & Imprint	\$ 1,000	
10430-503430	Poll Workers		1,000
		\$ 1,000	\$ 1,000
Explanation: Elections (10430) - Transfer budgeted funds for increased costs of ballots for elections.			
Net Budget Effect: Operating Fund (10) - No change.			

Communication: Minutes for Feb. 15, 2021 (Approval Of Minutes-Feb. 15, 2021)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10410-511000	Telephone & Postage	\$ 2,000	
10410-561000	Professional Services		2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>
Explanation:	Administration (10410) - Transfer budgeted funds for increased postage for this fiscal year.		
Net Budget Effect:	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
17838-545000	Contracted Services	\$ 3,500	
17390-499900	Fund Balance Appropriated		3,500
		<u>\$ 3,500</u>	<u>\$ 3,500</u>
Explanation:	Whalehead Solid Waste Service District (17838) - Increased appropriations due to contract increase for the current fiscal year for rollback services.		
Net Budget Effect:	Whalehead Solid Waste Service District Fund (17) - Increased by \$3,500.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10440-545100	Credit Card Processing Fees	\$ 3,000	
10540-545100	Credit Card Processing Fees	14,000	
61818-545100	Credit Card Processing Fees	23,000	
66868-545100	Credit Card Processing Fees	6,000	
10320-411000	Article 39 Sales Tax		\$ 14,000
10340-450420	Beach Parking Permits		\$ 3,000
61360-467000	Sale of Materials		\$ 23,000
66360-473000	Reconnection Fees		\$ 6,000
		\$ 46,000	\$ 46,000
Explanation:	Various Departments - Increase appropriations for credit card processing fees due to increased usage of online payments for beach parking, building permits and utility payments.		
Net Budget Effect:	Operating Fund (10) - Increased by \$17,000.		
	Mainland Water Fund (61) - Increased by \$23,000.		
	Southern Outer Banks Water Fund (66) - Increased by \$6,000.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
12541-554003	Insurance - Moyock	\$ 1,100	
12390-499900	Fund Balance Appropriated		\$ 1,100
		\$ 1,100	\$ 1,100
Explanation:	Moyock VFD Insurance (12541) - Increase appropriations for increase in property/liability insurance for Moyock Volunteer Fire Department.		
Net Budget Effect:	Fire Services Fund (12) - Increased by \$1,100.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10460-532001	SUPPLIES - BEACH PARKING	\$ 75,000	
10340-450420	BEACH PARKING		\$ 75,000
		\$ 75,000	\$ 75,000

Explanation: Public Works (10460) - Increase appropriations to purchase beach parking permits, informational brochures for permit holders, seasonal signage and other associated expenses.

Net Budget Effect: Operating Fund (10) - Increased by \$75,000.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50550-592021	North Apron Rehab-Grant 36244.10.7.1	\$ 538,192	
50380-481000	Investment Earnings		\$ 53,820
50330-448000	State Aid to Airports		\$ 484,372
		\$ 538,192	\$ 538,192

Explanation: County Governmental Construction Fund - Airport (50550) - Increase appropriations to record an additional \$538,192 for the North Apron Rehabilitation - Grant 36244.10.7.1. This will consist of an additional \$484,372 in State Aide to Airports and \$53,820 from investment earnings within the construction fund.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$538,192.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10800-590100	School Capital Outlay	\$ 435,000	
10390-495041	T F - School Capital Reserve		\$ 435,000
41990-587010	T T - Operating Fund	435,000	
41320-411001	Article 40 Sales Tax		\$ 217,500
41320-411002	Article 42 Sales Tax		217,500
		\$ 870,000	\$ 870,000

Explanation: Education (10800) - Increase appropriations for one mobile classroom at Moyock Elementary School and two mobile classrooms at Shawboro Elementary School.

Net Budget Effect: Operating Fund (10) - Increased by \$435,000.
School Capital Reserve Fund (41) - Increased by \$435,000.

Communication: Minutes for Feb. 15, 2021 (Approval Of Minutes-Feb. 15, 2021)

2. Vehicle Surplus Resolution-Airport and Sheriff

RESOLUTION			
<p>WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.</p>			
County			
Asset	Description	Serial Number	Department
5636	2003 KAWASAKI MULE 4X4	JK1AFCE1638522589	AIRPORT
6023	2005 JEEP CHEROKEE	1J4GR48K45C651858	AIRPORT
6143	2006 FORD EXPLORER	1FMEU7346UA73959	AIRPORT
6023	2005 JEEP CHEROKEE	1J4GR48K45C651858	AIRPORT
6146	2006 FORD 500	1FAFP23146G168929	SHERIFF
7597	2012 DODGE CHARGER	2C3CDXAT5CH282613	SHERIFF
8678	2015 FORD TAURUS	1FAHP2MK6FG121501	SHERIFF
8683	2015 FORD TAURUS	1FAHP2MK5FG121506	SHERIFF
6103	2006 KUBOTA ZERO TURN 72 CUT MOWER	ZD28F72P	AIRPORT
	YAMAHA GOLF CART	UNKNOWN	AIRPORT
	CLUB CAR VILLAGER GOLF CART	UNKNOWN	TOURISM
<p>NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.</p>			
<p>ADOPTED, this 15th day of February, 2021.</p>			

3. Change Order-Shingle Landing Park Project

4. Surplus Resolutions and Authorization for Sergeant Evelyn Thornton and Deputy Steven Koch to Purchase Service Weapons in the Amount of \$1.00 Upon Retirement

WHEREAS, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on February 15, 2021, authorized the following property listed below be declared surplus and disposed of; and

WHEREAS, Sheriff Beickert has requested that upon the retirement of Deputy Steven Koch that his duty weapon, a Glock 22 handgun, Serial

#PVF948, be given to him. Mr. Koch has made the request to purchase same upon his retirement.

ADOPTED, this the 15th day of February, 2021.

WHEREAS, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on February 15, 2021, authorized the following property listed below be declared surplus and disposed of; and

WHEREAS, Sheriff Beickert has requested that upon the retirement of Sergeant Evelyn Thornton that her duty weapon, a Glock 22 handgun, Serial #PVF971, be given to her. Ms. Thornton has made the request to purchase same upon her retirement.

ADOPTED, this the 15th day of February, 2021.

5) Approval Of Minutes-February 1, 2021

1. Minutes for February 1, 2021

CLOSED SESSION

1. Closed Session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) to consult with the county attorney and preserve the attorney-client privilege and; to consult with the County Attorney and preserve the attorney-client privilege in the matter entitled 85' and Sunny, LLC v. Currituck County. (Amended to include G.S. 143-318.11(a)(6) to discuss a personnel matter.)

Chairman Payment entered the Board into Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and preserve the attorney-client privilege; and to consult with the County Attorney and preserve the attorney-client privilege in the matter entitled 85 and Sunny, LLC v. Currituck County; and pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter.

ADJOURN

Motion to Adjourn Meeting

The Board returned from Closed Session and had no further business. Commissioner Payment moved to adjourn. The motion was seconded by Commissioner Mary Etheridge. The motion carried, 7-0, and the meeting of the Board adjourned at 8:12 PM.

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



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3063)

Agenda Item Title: TDA Budget Amendments

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Action

Brief Description of Agenda Item:

Special meeting of the Tourism Development Authority to consider budget amendments.

Potential Budget Affect: See individual amendments for budget affects

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:

Number

TDA2021012

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 1st day of March 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15448-532160	Maintenance Supplies	\$ 3,000	
15448-590460	Capital Facility Projects		\$ 3,000
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

Explanation: Occupancy Tax - Whalehead (15448) - Transfer budgeted funds for maintenance supplies at Historic Corolla Park for the remainder of this fiscal year.

Net Budget Effect: Occupancy Tax Fund (15) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: TDA BudAmends_Mar 1 (TDA Budget Amendments)

Number

TDA2021013

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 1st day of March 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15448-531000	Vehicle Maintenance	\$ 800	
15448-532500	Concessions	\$ 2,765	
15448-516200	Vehicle Maintenance	\$ 500	
15448-532000	Supplies	\$ 1,500	
15448-545000	Contracted Services		\$ 3,565
15448-511000	Telephone & Postage		\$ 500
15448-516000	Repairs & Maintenance		\$ 1,500
		<u>\$ 5,565</u>	<u>\$ 5,565</u>

Explanation: Occupancy Tax - Whalehead (15448) - Increase Contracted Services due to rate hike by Johnson Controls (Whalehead & Boathouse Security); increase Telephone & Postage due to higher postage of merchandize being mailed as Whalehead closed; increase in Repairs & Maintenance due to unforeseen expenditures regarding live oaks and geothermal repairs.

Net Budget Effect: Occupancy Tax Fund (15) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: TDA BudAmends_Mar 1 (TDA Budget Amendments)

Number

TDA2021014

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 1st day of March 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15449-531000	Gas	\$ 750	
15449-532000	Supplies	\$ 4,500	
15449-536000	Uniforms	\$ 500	
15320-415000	Occupancy Tax		\$ 5,750
		<u>\$ 5,750</u>	<u>\$ 5,750</u>

Explanation: Occupancy Tax - Maritime Museum (15449) - Increase appropriations for supplies for personnel to open Maritime Musuem this fiscal year.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$5,750.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: TDA BudAmends_Mar 1 (TDA Budget Amendments)

Number

TDA2021015

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 1st day of March 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-545000	Contract Services	\$ 22,000	
15320-415000	Occupancy Tax		\$ 22,000
		<u>\$ 22,000</u>	<u>\$ 22,000</u>

Explanation: Occupancy Tax (Tourism Related Expenditures) - Increase appropriations for increased costs of landscaping and mosquito control.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$22,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: TDA BudAmends_Mar 1 (TDA Budget Amendments)

Number

TDA2021016

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 1st day of March 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-590000	Capital Outlay	\$ 148,962	
15320-415000	Occupancy Tax		\$ 148,962
		<u>\$ 148,962</u>	<u>\$ 148,962</u>

Explanation: Occupancy Tax - Tourism Related (15447) - Increase appropriations for replacement of the marine side of the horse fence in Corolla from the vehicle access gate on the ocean front east to the last piling located in the ocean.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$148,962.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: TDA BudAmends_Mar 1 (TDA Budget Amendments)

Number

TDA2021017

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 1st day of March 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-587050	T T - Co Govt Construction	\$ 42,750	
15320-415000	Occupancy Tax		\$ 42,750
		<u>\$ 42,750</u>	<u>\$ 42,750</u>

Explanation: Occupancy Tax - Tourism Related (15447) - Increase appropriations for design to replace walkovers at Coral, Dolphin and Mackeral Streets. Design phase is \$14,250 per walkover.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$42,750.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: TDA BudAmends_Mar 1 (TDA Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3064)

Agenda Item Title: Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and preserve the attorney-client privilege; and G.S. 143-318.11(a)(6) to discuss personnel matters.

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Discussion

Brief Description of Agenda Item:

Closed Session

Is this item regulated by plan, regulation or statute? No

Manager Recommendation: