


# Planning Board
# Agenda Packet

## December 11, 2018

**Work Session**

6:00 PM

**Call to Order**

A) Pledge of Allegiance & Moment of Silence

B) Ask for Disqualifications

C) Announce Quorum Being Met

D) Approval of Agenda

**Approval of Minutes for October 9, 2018**

**Old Business**

A) **PB 17-14 Currituck County - Solar Text Amendment:** Amendment to the Unified Development Ordinance Chapter 4: Use Standards, and Chapter 10: Definitions and Measurements, to add solar energy facilities as an allowable use in the county.

**New Business**

A) **PB 18-26 David Shields:** Request for a zoning map amendment to rezone approximately .69 acres of Agriculture (AG) to General Business (GB) zoning district. The subject parcel is 2.69 acres in size with 2 acres currently zoned GB and .69 acres currently zoned AG. The property is located at 6615 Caratoke Highway in Grandy, Parcel Identification Number 0108-000-011B-0000, Poplar Branch Township.

B) **PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment:** Request for a zoning map amendment to relocate the split zoning of approximately 7.7 acres from General Business (GB) to Agriculture (AG) for property located in Moyock, west of Beechwood Shores, Parcel Identification Number 0031-000-064N-0000, Moyock Township.

C) **PB 08-48 Cape Currituck (Horgan/Mason):** PB 08-48 Cape Currituck (Horgan/Mason): Amended Conditional District-Planned Unit Development Zoning Overlay to decrease the number of dwelling units/density, canal realignment, reduce wetland fill, and reorient development layout on property located at 291 West Side Lane, Powells Point, Poplar Branch Township, Parcel Identification Numbers 0112-000-003B-0000 and 0112-000-003C-0000.

D) **PB 18-23 Fost Tract:** Rezone 228.83 acres from Agricultural (AG) to Planned Development - Residential (PD-R) on property located in Moyock on the west side of Caratoke Highway, north of Ranchland Subdivision, PIN 0015-000-0086-0000, Moyock Township.

E) **PB 18-27 University Park LLC:** Amend 2006 Land Use Plan/future classification map from Limited Service to Full Service to allow an increase in density from 1.5 units per acre to 3 units per acre located at the University Park development, PINs: 0131-000-097A-0000, 124J-000-OSP2-0000, 0131-000-095A-0000, 0131-000-095A-0000, 124J-000-00B1 through 00B6-0000, 124J-000-00C1 through 00C6-0000, 124J-000-00D1 through 00D6-0000, 124J-000-00E1 through 00E6-0000, 124J-000-00F1 through 00F6-0000, and 124J-000-00G1 through 00G3-0000, Poplar Branch township.

F) **Proposed Amendment to the Planning Board's Rules of Procedure:** The amendment is necessary to bring the rules into compliance with the Unified Development Ordinance and common practice. The amendment also proposes a regular meeting time change from 7:00 PM to 6:00 PM.

**Announcements**

**Adjournment**

**CURRITUCK COUNTY**
**NORTH CAROLINA**

October 9, 2018
Minutes – Regular Meeting of the Planning Board

## WORK SESSION

The Currituck County Planning Board held a work session at 5:00 PM in the Historic Courthouse Conference Room. Staff members Donna Voliva, Tammy Glave, and Jennie Turner briefed the board members on the five items of new business listed on the agenda for the Planning Board Meeting. The work session adjourned at 5:55 PM.

## CALL TO ORDER - 6:00 PM

The Planning Board met in a special session at 6:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina. The meeting was held one hour earlier than the regular session to allow the time needed for the five items of new business.

| Attendee Name | Title | Status | Arrived |
|---|---|---|---|
| Fred Whiteman | Chairman | Present | |
| C. Shay Ballance | Vice Chairman | Present | |
| Carol Bell | Board Member | Absent | |
| Steven Craddock | Board Member | Present | |
| John McColley | Board Member | Excused | |
| Jeff O'Brien | Board Member | Present | |
| Jane Overstreet | Board Member | Present | |
| J. Timothy Thomas | Board Member | Present | |
| Laurie LoCicero | Planning and Community Department Director | Present | |
| Donna Voliva | Planning and Community Development Senior Planner | Present | |
| Tammy Glave | Planning and Community Development Senior Planner | Present | |
| Jennie Turner | Planning and Community Development Planner II | Present | |
| Cheri Elliott | Clerk to the Board | Present | |

Chairman Whiteman called the meeting to order at 6:00 PM.

### A. Pledge of Allegiance & Moment of Silence

Chairman Whiteman asked everyone to stand for the Pledge of Allegiance and a moment of silence.

### B. Ask for Disqualifications

Chairman Whiteman asked if any board member had a conflict of interest with the matters coming before the board. There were no conflicts noted.

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### C. Announce Quorum Being Met

Chairman Whiteman announced a quorum being met with six board members present.

### D. Approval of Agenda

Chairman Whiteman asked if there were any changes needed to the agenda for tonight's meeting. With no changes noted, Mr. Craddock motioned to approve the agenda as presented. Mr. Ballance seconded the motion and the motion carried unanimously.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **AYES:** | Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member |
| **ABSENT:** | Carol Bell, Board Member |

## APPROVAL OF MINUTES FOR AUGUST 14, 2018

Chairman Whiteman asked if any changed were needed for the meeting minutes of August 14, 2018. Mr. Craddock motioned to approve the minutes as presented. Mr. O'Brien seconded the motion and the motion carried unanimously.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **AYES:** | Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member |
| **ABSENT:** | Carol Bell, Board Member |

### E. PB Minutes August 14, 2018

## OLD BUSINESS

There was no old business discussed.

## NEW BUSINESS

### A. PB 18-21 Grout Text Amendment:

Jennie Turner, Planner II, presented the staff report. The text amendment to the Unified Development Ordinance (UDO) is being requested by Stephen and Rachael Grout to allow temporary residences for new construction subject to the conditions already in place for temporary residences for expansion or replacement of existing facilities. Ms. Turner said provisions changed in 2013 which removed the use of a temporary residence on property that did not have an existing residence from the UDO, but continued to allow temporary residences in the cases of an existing residence being damaged and a temporary residence was needed for repairs to be made to the home. Staff recommended denial since this request is inconsistent with the Land Use and Development Goal of the 2006 Land Use Plan: 7. To exercise caution, foresight, and common sense in dealing with the risks of coastal development. Temporary residences are not as safe as permanent dwellings and they are not necessary for new construction. It is reasonable and in the public interest to

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allow a temporary residence in the case of an established dwelling where occupants are temporarily displaced

Applicant, Stephen Grout came before the board and stated his address as 2195 Ocean Pearl Road, Corolla. Mr. Grout said he and his wife are constructing another home in Corolla and they have had theft of construction materials due to them not being on the property. He said they are using their own money so it will take awhile to construct the new house and will need to sale their current residence. They are requesting the text amendment to be able to reside in a camper on the property while construction continues.

Laurie LoCicero, Planning Director, instructed the board members of the option to allow Use Permits for the temporary residences. These would go before the Board of Commissioners for approval and would cost the applicants $300 for consideration.

Board members agreed this would be a good option for approvals of temporary residences on a case by case basis and would help the county control the use of campers as temporary residences.

Chairman Whiteman asked for a motion. Mr. Ballance motioned to approve PB 18-21 Grout Text Amendment to allow temporary residences with the conditions of a required Use Permit and all eight staff recommendations required as conditions. Mr. Thomas seconded the motion. Mr. Craddock asked for discussion before voting.

After board discussion the motion originally made by Mr. Ballance was modified to the following:

Mr. Ballance motioned to approve PB 18-21 Grout Text Amendment to allow temporary residences on lots with ongoing construction of a new dwelling with the condition of a required Use Permit (approved by the Board of Commissioners) and conditions #1 through #7 of the staff recommendations with #7 being modified to include Single Family Residential - Outer Banks (SFO) zoning district:

Temporary residences for new construction shall:

1. Be limited to a six month period during construction of a dwelling unit on the same lot.
2. Allow that one additional period not to exceed three months may be approved if it is determined by the Planning Director that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the new construction.
3. Obtain a building permit for the principal dwelling unit prior to issuance of a temporary use permit.
4. Obtain all building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary residence prior to issuance of a temporary use permit.
5. Not use a generator to provide power.
6. Be removed from the lot or disconnected from water supply, waste discharge system and electrical supply within 30 days of issuance of the certificate of occupancy or upon expiration of the temporary use permit, whichever occurs first.

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7. Be allowed in all zoning districts that allow single family dwellings.
8. Not be permitted in LI or HI zoning districts.

Mr. Thomas seconded the motion and the motion carried unanimously.

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| **RESULT:** | **RECOMMENDED APPROVAL [UNANIMOUS] Next: 10/15/2018 6:00 PM** |
| **AYES:** | Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member |
| **ABSENT:** | Carol Bell, Board Member |

**B. PB 18-20 Ponderosa Enterprises Inc:**

Tammy Glave, Senior Planner, presented the staff report along with the proposed plans, current zoning map, explaining the proposed changes. Ms. Glave also showed examples of design features for the building's architectural design elements. The canopy for the gas station will be to the side and facing to the back of the building. Also a sidewalk will be made from the mobile home park to the building. The owner will not use the property for ministorage and a Type A landscape buffer will be provided between the two General Business uses (the proposed building and the existing mobile home park). Staff recommends approval of the conditional rezoning since it is consistent with the Full Service Plan of the 2006 Land Use Plan and the Maple/Barco Small Area Plan. The Technical Review Committee recommends approval with the suggested conditions listed in the staff report.

Board discussion was held over item #6 in the suggested conditions and what the minimum and maximum building square footage would be. Mr. Craddock asked staff in their opinion what is an acceptable minimum and maximum square footage. Ms. Glave said approximately 5,000 to 7,000 would be acceptable.

Eddie Hyman came before the board to represent Ponderosa Enterprises, Inc. He said they have worked with staff to come up with some plans that would be an asset to the ball fields across the street.

Mr. Craddock asked Mr. Hyman if they were willing to accept all of the conditions in the staff report. Mr. Hyman said he would not have a problem with it, but he needed to ask Mr. Sawyer (Ponderosa Enterprises, Inc.) before he could answer for him. Mr. Craddock asked if the board needed to wait on Mr. Sawyer to arrive to get an answer for agreement to the conditions set by the Technical Review Committee (TRC) and staff. Mr. Sawyer entered the meeting.

Chairman Whiteman called for a recess while Mr. Hyman had a discussion with Mr. Sawyer.

Chairman Whiteman called the meeting back to order at 7:00 PM.

Mr. Hyman and Mr. Sawyer came back before the board. Mr. Sawyer agreed to discuss the conditions at the Board of Commissioners (BOC) Meeting.

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Chairman Whiteman asked for a motion

Mr. Craddock motioned to approve PB 18-20 Ponderosa Enterprises Inc. requested Conditional Rezoning since it is consistent with the adopted plans of the Land Use Plan policies CD1, CD2, CD4, CD9, ED1 and the Maple-Barco Small Area Plan policies LU4, LU9 and TR4. This conditional zoning request is consistent with the goals, objectives, and policies of the Land Use Plan and Maple-Barco Small Area Plan and is compatible with existing and proposed uses surrounding the land subject to the application, and it is an appropriate zoning district and use for the land. The conditions to be discussed at the BOC will be:

1. The property will not be used for mini-storage.
2. A Type A landscape buffer will be provided between the two GB uses.

And also conditions:

1. Building architecture and design features shall be consistent with the photographs submitted with the application to provide consistency and compatibility with the nearby county complex. (See Attached)
2. Residential uses shall only be allowed through a mixed use building to limit the density allowed in the airport approach zone to an appropriate level.
3. Place the fueling station/canopy to the side and/or rear of the fuel and convenience center building and move the building closer to Shortcut Road. This building front will be the most visible in the complex and should set the architectural tone and campus like setting of the proposed development along Shortcut Road, a major arterial street.
4. Provide a central courtyard with pedestrian features (i.e. benches, water feature) with buildings oriented inward towards the central courtyard to mimic the campus like feel and pedestrian activity between employment areas and the other uses as required by the Maple Barco Small Area Plan.
5. Provide a handicap accessible pedestrian connection to the mobile home park to encourage pedestrian activity between the uses.
6. Provide a minimum and maximum building square footage to ensure compatibility with the area.
7. Impose the suggested two story limit on all buildings because of the project's location in the airport approach zone.

Mr. Thomas seconded the motion and the motion carried unanimously.

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| **RESULT:** | **RECOMMENDED APPROVAL [UNANIMOUS]** **Next: 10/15/2018 6:00 PM** |
| **AYES:** | Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member |
| **ABSENT:** | Carol Bell, Board Member |

**C. PB 18-22 Allied Properties, LLC**

Donna Voliva, Assistant Planning Director, presented the staff report. Since the original 2015 conditional zoning, the applicant has designed and developed Windswept Pines. Windswept Pines Phase 1 is recorded and homes are under construction. As part of the construction drawing application, the engineered stormwater plans were completed that resulted in additional stormwater retention area for Phase 2. The request for conditional rezoning would allow two ponds that are necessary for this stormwater retention.. A

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community meeting was held and several people attended with concerns about the existing drainage, road interconnectivity, NCDOT road right of way and maintenance.

Mr. Craddock asked Ms. Voliva why the open space was exceeded and she replied that it was a minor error.

Mr. Bissell with Bissell Professional Group came before the board to represent Allied Properties, LLC. Mr. Bissell explained the calculations of water drainage in the ditches. Ditch F was the only one that carried a lot of water and was backing up in the ditch and on the site. The plan was to construct a new ditch along the west side and since the three existing ponds are insufficient, we will need to construct 2 additional ponds to allow for proper drainage. The storm water will be divided between the two new ponds.

Board members asked questions about the ditches locations, where the ditches drained to and if additional ponds beyond the two requested ones will be needed. Mr. Bissell said they plan on doing a Phase 3 and the ponds would then need to be enlarged.

No other persons were signed up to speak. Chairman Whiteman asked for a motion.

Mr. Ballance motioned to approve PB 18-22 Allied Properties, LLC for the requested conditional rezoning to allow for the two additional ponds because the request is in compliance with the 2006 Land Use Plan and it is in the public interest with the added agreed upon conditions of approval 1 through 5 as stated in the staff report:

1. Proposed Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
4. Explore the possibility of routing a portion of stormwater runoff to the northeast.
5. All residential development will be single family and will conform to sample building elevations provided.

Also, the calculation correction shall be included.
Ms. Overstreet seconded the motion and the motion carried unanimously.

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| **RESULT:** | **RECOMMENDED APPROVAL [UNANIMOUS]** | **Next: 11/5/2018 6:00 PM** |
| **AYES:** | Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member | |
| **ABSENT:** | Carol Bell, Board Member | |

**D. PB 17-14 Currituck County - Solar Text Amendment:**

Tammy Glave, Senior Planner, presented the staff report. The Board of Commissioners directed staff in 20017 to draft a text amendment to allow solar energy facilities with standards that make the use compatible with adopted plans while protecting the health, safety, and general welfare of nearby uses. This text amendment has been through many changes after hours of research, staff attending solar workshops, multiple work sessions with the Board of Commissioners, and a final review by the county attorney. Ms. Glave summarized the changes in the solar ordinance including location, maximum size, setbacks, height & configuration, sound (hours of operation during construction being Monday through

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Friday, 7 AM to 7 PM and if located within 1500' of a school, no pile driving during school hours.), buffers and screening, as well as many standards were added for testing water in well before starting construction and testing each year thereafter. Staff was also directed to remove all wind energy facility, large. Ms. Glave reminded the board members to read the Statement of Consistency and Reasonableness should they recommend approval of the text amendment.

Board members had questions concerning the maximum size allowed and the sound restrictions limiting the operations during construction for Monday through Friday. Some board members believed they should be allowed to work on weekends. Ms. LoCicero said this restriction resulted from previous complaints made by residents, particularly in the Ranchland area, who said construction on the solar farm there on weekends negatively affected their quality of life. Board members asked if they were ever cited or fined and Ms. LoCicero said they were not. Code Enforcement investigated and did not find any violation at the time of the onsite visit, also, the Sheriff's Department measured the sound and found they were not in violation.

Discussion was held on the Decommissioning Performance Guarantee requirements.

Mr. Ballance asked if accessory use wind mills would still be allowed and Ms. Glave said they would be.

Adam Forrer, Atlantic Region Manager with the Raleigh based Southeast Wind Coalition came before the board. Mr. Forrer spoke about the benefits of wind energy and about interactions with the military concerning wind mills. He believes Currituck County should not ban wind mill farms entirely, but to use the Department of Defense (DoD) Siting Clearinghouse, Office of the Assistant Secretary of Defense for Energy, Installations, and Environment to allow developers to request a mission compatibility evaluation of proposed energy projects. He said the Department of Defense is supportive of renewable energy when it is compatible with the military's mission to test, train, and operate. Mr. Forrer said the Clearinghouse mitigates to find solutions for energy projects and he only recalls one time that the Clearinghouse found a project could not be built in Eastern North Carolina.

The board asked questions about radars, the interference caused by windmills, and questions concerning the DoD Clearinghouse. Mr. Forrer said the Clearinghouse was formed in 2011 and upgraded this year with the National Defense Authorization Act. Chairman Whiteman asked if he had a copy of this act with him concerning the Clearinghouse section. Mr. Forrer said he did not have it with him, but would email it to the board members tomorrow morning.

Chairman Whiteman called the next speaker to the stand.

Jim Martin with First Solar came before the board. He said their company constructs and own several solar farms. Mr. Martin said they are concerned with this text amendments requirements for solar farms; specifically the maximum size, setbacks and buffers. He said large companies like Amazon, Facebook and Walmart are demanding solar power and their company cannot provide it for them under the conditions being set by Currituck County. He also said farmers should not be limited to the amount of land they wish to use for solar power.

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Chairman Whiteman called the next speaker to the stand.

Harrison Cole with Cypress Creek Renewables said solar projects use a lot of metal and valuable materials. He asked the board to consider allowing the salvage cost of those materials to be counted toward the performance guarantee. Cole said one of the major materials used in solar farms is aluminum, which has a lot of salvage value.

Chairman Whiteman called the next speaker to the stand.

Andy White with First Solar said solar panels have been tested and are safe. They meet both American and European standards. He also said First Solar in their 20 years of observations with 17,000 mega watts and 200 square miles of panels have never had any ground water problems. The panels pass 10 safety protocols and meet the EPA requirements if they are exposed.

Chairman Whiteman said he would like to know what solar panels are made out of and needs details on a groundwater test at a solar facility site so that he could see what experts are looking for. Mr. Craddock said testing is a good way to confirm whether any contaminants have been emitted or leeched from solar panels' supporting structures. Mr. White said ground water is free flowing between properties and is hard to monitor with exact certainty of a related cause if there was a problem with it.

The board members asked various questions concerning bonds, decommissioning, components in the panels, as well as questions about the zinc in the galvanized steel posts.

Chairman Whiteman again requested the DoD regulation for the Clearinghouse and Mr. Forrer said he would forward it early tomorrow morning.

Chairman Whiteman said he would like to table the text amendment until we see some of the requested items, the DoD regulation, etc. Mr. Craddock listed several concerns and questions that need to be answered.

Chairman Whiteman instructed staff to draft a list of questions to be answered at the next meeting. Ms. Glave said she would create the draft and send to the board members.

Chairman Whiteman motioned to table PB 17-14 Currituck County - Solar Energy Facilities. Mr. Craddock seconded the motion and the motion carried unanimously.

Chairman Whiteman called a 10 minute recess.

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| **RESULT:** | **TABLED [UNANIMOUS]** | **Next: 11/13/2018 7:00 PM** |
| **AYES:** | Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member | |
| **ABSENT:** | Carol Bell, Board Member | |

**E. PB 18-24 Currituck County Flood Maps and Ordinance:**

Donna Voliva, Assistant Planning Director, presented the staff report. Currituck County received modified flood hazard determinations on June 21, 2018; to remain in good standing with the National Flood Insurance Program (NFIP), the county is required to adopt the

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effective Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) prior to December 21, 2018. Also, the county is required to adopt floodplain management regulations that meet the standards of the NFIP. Within the floodplain management regulations, the state regulations use criminal for enforcement. We feel that civil citations works best for us and we are hoping the NFIP will accept our use of civil instead of criminal for enforcement.

Board members asked staff questions concerning the amount of properties in special flood zone areas and whether there was an increase or decrease in the amounts. Ms. LoCicero said there was a 90% decrease in our V zone properties with the new flood maps.

Mr. Craddock asked about the effective date of the changes in flood zones and Ms. LoCicero said December 21, 2018 for insurance purposes.

Ms. LoCicero stated along with this text amendment for changes in the flood maps, staff recommends an increase to our current regulatory flood protection elevation (RFPE). The current freeboard is one foot and staff suggests raising this requirement to two feet. This will give us added protection against structures flooding within the special flood hazard area and will also decrease flood insurance premiums for property within the special flood hazard area.

Ms. Voliva asked Ms. Turner to talk about bulkheads and staff's concerns over not limiting the height of bulkheads used for non-shoreline protection.

Discussion was held on bulkheads, FEMA technical bulletins, grade requirements for V zones in the ocean hazard areas verses the mainland and freeboard.

Chairman Whiteman asked for a motion.

Mr. Craddock motioned to approve PB 18-24 Currituck County Flood Maps and Ordinance because the requested text amendment, adoption of the FIRM, and FIS are consistent with the goals, policies, and objectives of the 2006 Land Use Plan because:

- It will conserve the floodplains and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues. (Natural Hazards Area CAMA Management Goal)
- It includes requirements for development and redevelopment within special flood hazard areas to meet the standards of the NFIP and the flood damage prevention ordinance. (LUP POLICY NH2)
- It recognizes the potential risks to life and properties within the special flood hazard areas and the implements measures to mitigate the risks. (LUP POLICY NH1)

The request is reasonable and in the public interest because:

- It continues the county's participation in the National Flood Insurance Program that enables property owners in participating communities to purchase insurance protection against losses from flooding.
- Minimizes damage to public and private property due to flooding.

And this will possibly changed if the staff receives notice about criminal verses civil and the Planning Board recommends a freeboard of two feet.

Mr. O'Brien seconded the motion and the motion carried unanimously.

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| **RESULT:** | **RECOMMENDED APPROVAL [UNANIMOUS]** | **Next: 11/5/2018 6:00 PM** |
| **AYES:** | Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member | |
| **ABSENT:** | Carol Bell, Board Member | |

**ANNOUNCEMENTS**

Chairman Whiteman expressed concern over the number of board members scheduled to leave the Planning Board at the end of this year and having replacements.

Mr. Craddock asked Ms. LoCicero to give an update on the new Land Use Plan. Ms. LoCicero said questions have been sent and discussion was held with Destination by Design this week.

**ADJOURNMENT**

Mr. Craddock motioned to adjourn the meeting. Mr. O'Brien seconded the motion and the motion carried unanimously. Meeting adjourned at 9:33 PM.

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# Currituck County
## Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2275)

**Agenda Item Title**

PB 17-14 Currituck County - Solar Text Amendment:

**Brief Description of Agenda Item:**

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, and Chapter 10: Definitions and Measurements, to add solar energy facilities as an allowable use in the county.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Tammy Glave,

**Presenter of Agenda Item**

Tammy Glave

**Currituck County**

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

To: Planning Board

From: Planning Staff

Date: November 14, 2018

Subject: PB 17-14 Currituck County – Solar Text Amendment

Please find the attached amended staff report based on direction given to staff at your October 9, 2018 meeting.

Attachment: 1 (PB 17-14 Currituck County - Solar Energy Facilities)

**PB 17-14**
**CURRITUCK COUNTY**
**Solar Energy Facilities**
**(Planning Board Version)**

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, and Chapter 10: Definitions and Measurements, to add solar energy facilities as an allowable use ~~*and remove wind energy facility, large, as an allowable use.*~~ **Planning Board comment: Wind energy facilities should not be removed as an allowable use because of potential conflict with nearby Navy radar equipment. The Department of Defense established a Military Aviation and Installation Assurance Clearinghouse that reviews wind energy facilities on a case by case basis. The Clearinghouse would be the entity to determine if a wind energy project/location could pose potential conflict with the ROTH radar at the nearby Northwest Navy Annex. The board asked the Southeastern Wind Coalition for information regarding the creation of the Clearinghouse and its duties.**

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

**Item 1:** That Chapter 4 is amended by adding the bold, underlined language and deleting the strike-through language:

| Use Category | Use Type | Zoning District (current district in parenthesis) [Note: overlay or sub-district requirements may further limit uses] | | | | | | | | | | | | | | | | Additional Req. (4.2.__) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | RC | AG | SFM | SFO | SFR | SFI | MXR | GB | LB | CC | VC | LI | HI | PD-R | PD-M | PD-O | |
| **Institutional Use Classification** | | | | | | | | | | | | | | | | | | |
| **Utilities** | **Solar Energy Facility** | | **U** | | | | | | | | | | | | | | | **3.K** |

**Item 2**: That Chapter 4 is amended by adding the following language as Section 4.2.3.K:

**K. Solar Energy Facility (SEF)**

**A SEF shall comply with the following standards:**

**1. Location**

**a. ~~A SEF project may include no more than two abutting properties on one project application. Each property shall meet all the requirements of this subsection.~~ Planning Board comment: Unlimited number of properties should be allowed to function as one project.**

**b. No SEF project shall be located in a Full-Service area designated by the Land Use Plan.**

**c. No SEF project shall be located in a Significant Natural Heritage Areas as identified by the NC Natural Heritage Program.**

**~~2. Maximum Size~~**



Attachment: 2 PB Version Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

~~a. Maximum SEF project size on any property may not exceed 250 acres or one-half of the acreage of the property as it existed on (adoption date), whichever is greater.~~ Planning Board comment: There should not be a maximum size limit for a project.

3. Setbacks
   a. All panels, equipment, and associated security fencing shall be setback 300' from a major arterial street right-of-way and 150' from all other NCDOT street rights-of-way and property lines.
   b. All panels, equipment, and associated security fencing shall be setback 100' from any CAMA designated navigable water bodies, Army Corps of Engineers or CAMA wetlands, and Significant Natural Heritage areas.
   ~~c. All SEF projects that include two abutting properties shall meet the setbacks for all interior property lines.~~ Planning Board comment: Adjoining lots within the same project should not be required to meet setbacks from interior property lines.
   d. Plantings are allowed in setback areas.
4. Height and Configuration
   a. The maximum height of the SEF, including all mounts, panels, and other equipment, shall not exceed 15' above grade when oriented at maximum height.
   b. The panels and equipment shall be configured to avoid glare beyond the exterior property lines.

~~5. Sound~~
   ~~a. The hours of operation during construction phase of the SEF shall be from 7:00am to 7:00pm, Monday through Friday;~~
   ~~b. If the construction area for the SEF is located within 1500' of a public school or licensed pre-school, no pile driving shall be allowed during regular school session times.~~ Planning Board comment: Enforce noise or light complaints through existing ordinances and not make special standards for this industry. Should be allowed to operate on Saturdays.

6. Buffers and screening
   a. Prior to the start of any construction related activity, a Type D opaque buffer or an earthen berm as tall as the tallest panel at maximum height shall be installed.
   b. Certification from a landscape architect or certified arborist that 100% opacity will be reached at maximum panel height within 3 years shall be submitted.
   c. Opacity of the buffer shall be assessed from the exterior property lines and rights-of-way.
   d. A performance guarantee in the amount of 115% of the cost of the landscaping used for screening shall be submitted prior to the issuance of a building permit and remain valid until 100% opacity is reached. Should 100% opacity not be reached within 3 years of building permit issuance, the county will draw upon the performance guarantee as outlined in Section 6.3.F Default and Forfeiture of Performance Guarantee and install required supplemental landscaping.



Attachment: 2 PB Version Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

e. If supplemental landscaping is installed pursuant to this section, additional time for growth will be allowed and the balance of the performance guarantee shall be maintained valid until 100% opacity is reached.
f. For SEF projects that have a common interior property line, the Type D buffer is not required on the common, interior property line.

7. Development Plan
   a. The SEF project shall be developed in accordance with an approved major site plan that includes the following information:
      i. The location of the SEF, including the arrangement of any existing or proposed buildings, structures or panels.
      ii. The distance from any proposed SEF building, structure, panels, and fence to the surrounding property lines.
      iii. Existing or proposed signs, fencing, lighting, construction and permanent parking areas, driveways, landscaping, vegetative screening, or required buffers.
      iv. Horizontal and vertical elevation to-scale drawings with dimensions.
      v. Certification that all panels have passed UL 1703 regarding PV module safety.
      vi. Approval from access controlling agencies for street access.
   b. The SEF project shall designate 30% of the total land area in one or a combination of the following plans:
      i. Approved plan from the North Carolina Wildlife Resources Commission, Habitat Conservation Division, designating 30% of the total land area of the SEF as an acceptable native pollinator habitat; or,
      ii. An annual cultivation plan detailing crops and harvest schedule should at least 30% of the total land area of the SEF remain active farmland.
8. Environmental Concerns
   a. Appropriate ground cover/grass is required for soil stabilization and shall be maintained in a manner that does not create a fire hazard.
      i. Grass and weeds not associated with the pollinator habitat shall not exceed two feet in height at any time.
      ii. Herbicide use is prohibited.
   b. Ground water monitoring wells Planning Board comment: The Planning Board requested additional material from First Solar that shows all materials used in a solar panel, racking system, etc.
      i. Monitoring wells shall be installed prior to construction of any of the SEF components.
      ii. Monitoring wells shall be located near the center of the site and along each exterior property line at approximately the lowest ground elevation point on each property line.
      iii. The distance between monitoring wells along exterior property lines shall not exceed 2000'.
      iv. Testing data prepared by a laboratory certified by the North Carolina Department of Health and Human Services to



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analyze water subject to the regulations under the North Carolina Drinking Water Act shall be submitted prior to construction of the SEF and annually thereafter to the Planning and Community Development Department until the SEF is decommissioned.

v. Testing data shall show compliance with the NC Department of Health and Human Services Private Well Inorganic Chemical Contaminants standards for the following contaminants:
   1. Arsenic
   2. Barium
   3. Cadmium
   4. Chromium
   5. Copper
   6. Iron
   7. Lead
   8. Magnesium
   9. Manganese
   10. Mercury
   11. Nitrate/Nitrite
   12. Selenium
   13. Silver
   14. Zinc

vi. The Board of Commissioners may require testing for other contaminants.

vii. Should the initial ground water testing indicate that the site is not in compliance with N.C. Department of Health and Human Services Private Well Inorganic Chemical standards, subsequent annual reports shall indicate no increase in noncompliance with those standards.

9. Solar Energy Facility Impact Analysis
   a. As part of an application for a SEF project, a Solar Energy Facility Impact Analysis shall be submitted and contain the following information:
      i. General project description
      ii. Construction Activity Plan:
         1. Amount of land disturbance
         2. Land surface clearing and grading plan
         3. Energy, water, and material needs
         4. Fencing and lighting plans
         5. Waste stream management plan
         6. Construction work force and timeframe
         7. Protection plans for soil, disturbed areas, and surface water
      iii. Operational Plan
         1. Maintenance activities and schedule
         2. Vegetation management plan
         3. Protection plans for soil, disturbed areas, and surface water



Attachment: 2 PB Version Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

iv. Impacts and Resources affected
    1. Geology
    2. Environmentally sensitive areas
        a. CAMA jurisdictional areas
        b. USACE designated wetlands
        c. Natural Heritage Areas
    3. Soils
    4. Air Quality
    5. Noise
    6. Water Resources
    7. Ecology
    8. Land Use
    9. Water management
    10. Socioeconomics
    11. Health and safety

10. Discontinued Use and Decommissioning
    a. Decommissioning shall include removal of solar collectors, cabling, electrical components, and any other SEF associated facilities, grading, and re-seeding disturbed earth from the project.
    b. A decommissioning plan certified by a North Carolina licensed engineer or a licensed contractor is required and shall include the following:
        i. A description of any lease or other agreement with all landowners regarding decommissioning.
        ii. The identification of the party responsible for decommissioning, if not the property owner.
        iii. The type of panels and material specifications used at the SEF.
        iv. All costs for the removal of solar panels, buildings, cabling, electrical components, road, fencing, and any other associated facilities below grade.
        v. All costs associated with the grading and re-seeding of disturbed earth from the project.
    c. The decommissioning plan shall be updated with the Planning and Community Development Department every two years or upon change of ownership of the property or the SEF.
    d. The SEF owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.
    e. Disturbed earth shall be graded and re-seeded unless a written request is submitted by the property owner specifying areas not to be restored.
    f. A Decommissioning Performance Guarantee (See Section 6.3) is required that meets the following standards:
        i. Shall be submitted prior to issuance of a building permit,
        ii. Shall equal 115 percent of the estimated decommissioning costs.
        iii. Shall not be reduced by salvage value.

Attachment: 2 PB Version Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

iv. **The performance guarantee amount shall be reviewed every two years as part of the decommissioning plan update and adjusted based upon current costs. In the event the decommissioning costs decrease, the performance guarantee shall not be changed to reflect the lower cost.**

v. **The performance guarantee shall remain in effect until decommissioning and site restoration is complete.**

**Item 4:** That Chapter 10 is amended by adding the following bold underlined language and deleting the struck-through language in Section 10.5 Definitions:

**SOLAR ENERGY FACILITY (SEF)**
**Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.**

**Item 5**: Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- It protects active agricultural lands having a high productive potential and conserves those lands for continued agricultural use. (LUP POLICY AG1) - Solar
- It provides a new and expanding industry that trains and utilizes a more highly skilled labor force and diversifies the local economy. (LUP ED1) – Solar
- ~~It removes a potential conflict between wind energy facilities and the operation of a nearby naval annex. (Wind)~~

The request is reasonable and in the public interest because:

- It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.
- ~~It removes a potential conflict between wind energy facilities and the operation of a nearby naval annex. (Wind)~~

**Item 6:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.



Attachment: 2 PB Version Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

**Item 6:** This ordinance amendment shall be in effect from and after the ___ day of _____, 2018.

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

Attachment: 2 PB Version Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

# Solar Energy Facility
# NC Wildlife Resources Commission
Contact Information

## Contact Information

NC Wildlife Resources Commission
Habitat Conservation
Gabriela Garrison
Eastern Piedmont Habitat Conservation Coordinator
Sandhills Depot
PO Box 149
Hoffman NC 28347

Telephone: 910-409-7350
Email: gabriela.garrison@ncwildlife.org
Web Address: www.ncwildlife.org

## Approval

Provide:

- Approval from the North Carolina Wildlife Resources Commission, Habitat Conservation Division, that you are creating an acceptable native pollinator habitat with a copy of the approved plan. The native pollinator habitat planting must cover at least 30% of the total land area of the solar energy facility;
- An annual cultivation plan detailing crops and harvest schedule should at least 30% of the total land area of the solar energy facility remain active farmland; or,
- Any combination of the above to equal or exceed 30% of the total land area.

Attachment: Page for Admin Manual (PB 17-14 Currituck County - Solar Energy Facilities)

# Text Amendment
## Application

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

### Contact Information

APPLICANT:

Name: Currituck County

Address: 153 Courthouse Rd Suite 204
Currituck NC 27929

Telephone: 252-232-2075

E-Mail Address: Dan.Scanlon@CurrituckCountyNC.gov

### Request

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

Amend Chapter(s) 4 and 10 Section(s) 4.2.3 and 10.5 as follows:

add solar energy facility regulations ~~and remove wind energy allowance.~~

*Request may be attached on separate paper if needed.

Petitioner

8-24-18
Date



Attachment: application (PB 17-14 Currituck County - Solar Energy Facilities)

**PB 17-14**
**CURRITUCK COUNTY**
**Solar Energy Facilities**

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, and Chapter 10: Definitions and Measurements, to add solar energy facilities as an allowable use and remove wind energy facility, large, as an allowable use.

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

**Item 1:** That Chapter 4 is amended by adding the bold, underlined language and deleting the strike-through language:

| USE CATEGORY | USE TYPE | ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES] | | | | | | | | | | | | | | | | ADDITIONAL REQ. (4.2.___) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | RC | AG | SFM | SFO | SFR | SFI | MXR | GB | LB | CC | VC | LI | HI | PD-R | PD-M | PD-O | |
| **INSTITUTIONAL USE CLASSIFICATION** | | | | | | | | | | | | | | | | | | |
| **Utilities** | **Solar Energy Facility** | | **U** | | | | | | | | | | | | | | | **3.K** |
| | Wind energy facility, large | | ~~U~~ | | | ~~U~~ | | | ~~U~~ | ~~U~~ | | | ~~U~~ | ~~U~~ | | **M** ~~P~~ | **M** ~~P~~ | ~~3.K~~ |

**Item 2**: That Chapter 4 is amended by adding the following language as Section 4.2.3.K:

**K. Solar Energy Facility (SEF)**

**A SEF shall comply with the following standards:**

**1. Location**

**a. A SEF project may include no more than two abutting properties on one project application. Each property shall meet all the requirements of this subsection.**

**b. No SEF project shall be located in a Full-Service area designated by the Land Use Plan.**

**c. No SEF project shall be located in a Significant Natural Heritage Areas as identified by the NC Natural Heritage Program.**

**2. Maximum Size**

**a. Maximum SEF project size on any property may not exceed 250 acres or one-half of the acreage of the property as it existed on (adoption date), whichever is greater.**

**3. Setbacks**

**a. All panels, equipment, and associated security fencing shall be setback 300' from a major arterial street right-of-way and 150' from all other NCDOT street rights-of-way and property lines.**

**b. All panels, equipment, and associated security fencing shall be setback 100' from any CAMA designated navigable water bodies,**



Attachment: Post 9-17 BOC Work Session Solar Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

Army Corps of Engineers or CAMA wetlands, and Significant Natural Heritage areas.

c. All SEF projects that include two abutting properties shall meet the setbacks for all interior property lines.
d. Plantings are allowed in setback areas.

4. Height and Configuration
   a. The maximum height of the SEF, including all mounts, panels and other equipment, shall not exceed 15' above grade when oriented at maximum height.
   b. The panels and equipment shall be configured to avoid glare beyond the exterior property lines.
5. Sound
   a. The hours of operation during construction phase of the SEF shall be from 7:00am to 7:00pm, Monday through Friday;
   b. If the construction area for the SEF is located within 1500' of a public school or licensed pre-school, no pile driving shall be allowed during regular school session times.
6. Buffers and screening
   a. Prior to the start of any construction related activity, a Type D opaque buffer or an earthen berm as tall as the tallest panel at maximum height shall be installed.
   b. Certification from a landscape architect or certified arborist that 100% opacity will be reached at maximum panel height within 3 years shall be submitted.
   c. Opacity of the buffer shall be assessed from the exterior property lines and rights-of-way.
   d. A performance guarantee in the amount of 115% of the cost of the landscaping used for screening shall be submitted prior to the issuance of a building permit and remain valid until 100% opacity is reached. Should 100% opacity not be reached within 3 years of building permit issuance, the county will draw upon the performance guarantee as outlined in Section 6.3.F Default and Forfeiture of Performance Guarantee and install required supplemental landscaping.
   e. If supplemental landscaping is installed pursuant to this section, additional time for growth will be allowed and the balance of the performance guarantee shall be maintained valid until 100% opacity is reached.
   f. For SEF projects that have a common interior property line, the Type D buffer is not required on the common, interior property line.

7. Development Plan
   a. The SEF project shall be developed in accordance with an approved major site plan that includes the following information:
      i. The location of the SEF, including the arrangement of any existing or proposed buildings, structures or panels;
      ii. The distance from any proposed SEF building, structure, panels and fence to the surrounding property lines;



Attachment: Post 9-17 BOC Work Session Solar Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

iii. Existing or proposed signs, fencing, lighting, construction and permanent parking areas, driveways, landscaping, vegetative screening or required buffers;
iv. Horizontal and vertical elevation to-scale drawings with dimensions;
v. Certification that all panels have passed UL 1703 regarding PV module safety;
vi. Approval from access controlling agencies for street access;

b. The SEF project shall designate 30% of the total land area in one or a combination of the following plans:
i. Approved plan from the North Carolina Wildlife Resources Commission, Habitat Conservation Division, designating 30% of the total land area of the SEF as an acceptable native pollinator habitat; or
ii. An annual cultivation plan detailing crops and harvest schedule should at least 30% of the total land area of the SEF remain active farmland;

8. Environmental Concerns
a. Appropriate ground cover/grass is required for soil stabilization and shall be maintained in a manner that does not create a fire hazard.
i. Grass and weeds not associated with the pollinator habitat shall not exceed two feet in height at any time.
ii. Herbicide use is prohibited.
b. Ground water monitoring wells
i. Monitoring wells shall be installed prior to construction of any of the SEF components;
ii. Monitoring wells shall be located near the center of the site and along each exterior property line at approximately the lowest ground elevation point on each property line.
iii. The distance between monitoring wells along exterior property lines shall not exceed 2000'.
iv. Testing data prepared by a laboratory certified by the North Carolina Department of Health and Human Services to analyze water subject to the regulations under the North Carolina Drinking Water Act shall be submitted prior to construction of the SEF and annually thereafter to the Planning and Community Development Department until the SEF is decommissioned.
v. Testing data shall show compliance with the NC Department of Health and Human Services Private Well Inorganic Chemical Contaminants standards for the following contaminants:
1. Arsenic
2. Barium
3. Cadmium
4. Chromium
5. Copper
6. Iron
7. Lead



Attachment: Post 9-17 BOC Work Session Solar Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

8. Magnesium
9. Manganese
10. Mercury
11. Nitrate/Nitrite
12. Selenium
13. Silver
14. Zinc

vi. The Board of Commissioners may require testing for other contaminants.

vii. Should the initial ground water testing indicate that the site is not in compliance with N.C. Department of Health and Human Services Private Well Inorganic Chemical standards, subsequent annual reports shall indicate no increase in noncompliance with those standards.

9. Solar Energy Facility Impact Analysis
   a. As part of an application for a SEF project, a Solar Energy Facility Impact Analysis shall be submitted and contain the following information:
      i. General project description
      ii. Construction Activity Plan:
         1. Amount of land disturbance
         2. Land surface clearing and grading plan
         3. Energy, water and material needs
         4. Fencing and lighting plans
         5. Waste stream management plan
         6. Construction work force and timeframe
         7. Protection plans for soil, disturbed areas, and surface water
      iii. Operational Plan
         1. Maintenance activities and schedule
         2. Vegetation management plan
         3. Protection plans for soil, disturbed areas and surface water
      iv. Impacts and Resources affected
         1. Geology
         2. Environmentally sensitive areas
            a. CAMA jurisdictional areas
            b. USACE designated wetlands
            c. Natural Heritage Areas
         3. Soils
         4. Air Quality
         5. Noise
         6. Water Resources
         7. Ecology
         8. Land Use
         9. Water management
         10. Socioeconomics
         11. Health and safety
10. Discontinued Use and Decommissioning



Attachment: Post 9-17 BOC Work Session Solar Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

a. Decommissioning shall include removal of solar collectors, cabling, electrical components and any other SEF associated facilities and grading and re-seeding disturbed earth from the project.
b. A decommissioning plan certified by a North Carolina licensed engineer or a licensed contractor is required and shall include the following:
    i. A description of any lease or other agreement with all landowners regarding decommissioning;
    ii. The identification of the party responsible for decommissioning, if not the property owner;
    iii. The type of panels and material specifications used at the SEF
    iv. All costs for the removal of solar panels, buildings, cabling, electrical components, road, fencing, and any other associated facilities below grade; and
    v. All costs associated with the grading and re-seeding of disturbed earth from the project.
c. The decommissioning plan shall be updated with the Planning and Community Development Department every two years or upon change of ownership of the property or the SEF.
d. The SEF owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.
e. Disturbed earth shall be graded and re-seeded unless a written request is submitted by the property owner specifying areas not to be restored.
f. A Decommissioning Performance Guarantee (See Section 6.3) is required that meets the following standards:
    i. Shall be submitted prior to issuance of a building permit;
    ii. Shall equal 115 percent of the estimated decommissioning costs;
    iii. Shall not be reduced by salvage value;
    iv. The performance guarantee amount shall be reviewed every two years as part of the decommissioning plan update and adjusted based upon current costs. In the event the decommissioning costs decrease, the performance guarantee shall not be changed to reflect the lower cost.
    v. The performance guarantee shall remain in effect until decommissioning and site restoration is complete.

**Item 3:** That Chapter 4 is amended by deleting the following struck-through language:

~~**K. Wind Energy Facility, Large**~~

~~A large wind energy facility shall comply with the following standards:~~

~~**(1) Location**~~



Attachment: Post 9-17 BOC Work Session Solar Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

(a) No turbine tower associated with a large wind energy facility shall be located within 1,000 feet of land in the RC district or a public park.

(b) All ground-based equipment buildings shall be located under the blade sweep area, to the maximum extent practicable.

**(2) Setbacks**

(a) All towers associated with a large wind energy facility shall be set back a distance equal to .25 miles from any residential dwelling unit and 1.1 times the overall height of the tower and associated wind turbine blade from a public right-of-way and the property line of any non-participating landowner.

(b) All associated facilities other than towers and associated wind turbines shall be subject to the setback standards for the district where located.

**(3) Tower Structure**

Large wind energy facilities shall utilize monopole or self-supporting towers

**(4) Common Configuration**

All towers and turbines within a single large wind energy facility shall maintain uniform design in terms of the following features:

(a) Tower type;

(b) Tower, turbine, and blade colors;

(c) The number of blades per turbine; and

(d) The direction of blade rotation.

**(5) Height**

The maximum height of a large wind energy system (including the tower and extended blades) shall be 500 feet.

**(6) Blade Clearance**

The blade tip or vane of any large wind energy facility shall have a minimum ground clearance of 75 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public rights-of-way.

**(7) Unauthorized Access**

All large wind energy facilities shall incorporate anti-climbing features to prevent unauthorized climbing.

**(8) Utilities**

Except for transmission lines, all utilities associated with a large wind energy facility shall be located underground to the maximum extent practicable.



Attachment: Post 9-17 BOC Work Session Solar Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

~~(9) Appearance~~

~~The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).~~

~~(10) Lighting~~

~~No illumination of the turbine or tower shall be allowed, unless required by the (FAA). In the event obstruction lighting is required by the FAA, it shall be of the lowest intensity allowed, and strobes or blinking lights shall be avoided, to the maximum extent practicable.~~

~~(11) Signage Prohibited~~

~~Signage visible from any public street or off-site area shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.~~

~~(12) Sound~~

~~The noise produced by the large wind energy facility during operation shall not exceed 55 dBA as measured at any occupied building on the property of a non-participating landowner. This standard shall not apply during power outages, windstorms, or other conditions beyond the owner's control.~~

~~(13) Shadow Flicker~~

~~Shadows cast by the rotating blade of a large wind energy facility shall not exceed 30 hours per year on any occupied building on the property of a non-participating landowner.~~

~~(14) Interference~~

~~The owner shall take all reasonable steps to prevent or eliminate interference with transmission of communications signals (e.g., radio, television, telephone, etc.) resulting from a large wind energy facility.~~

~~(15) Environmental Review Required~~

~~An application for a large wind energy facility shall require review by NCDEQ, USACOE, the US Fish and Wildlife Service, and the NC Wildlife Resources Commission. All comments from these agencies shall be included with the application.~~

~~(16) Abandonment~~

~~(a) On determining that a large wind energy facility has been inoperable for 365 days or more, the Planning Director may issue a Notice of Abandonment to the facility owner.~~

~~(b) The facility owner shall restore operation of the large wind energy facility within 30 days of receipt of the Notice of Abandonment, or file a Notice of Termination with the Planning Director.~~



Attachment: Post 9-17 BOC Work Session Solar Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

~~**(c)** The large wind energy facility shall be removed from the site within 12 months of the filing of a Notice of Termination.~~

~~**(d)** Removal of a large wind energy facility shall include removal of all of the following features:~~

- ~~**(i)** Towers;~~
- ~~**(ii)** Turbines;~~
- ~~**(iii)** Above-ground equipment;~~
- ~~**(iv)** Outdoor storage;~~
- ~~**(v)** Foundations to a depth of three feet below grade; and~~
- ~~**(vi)** Any hazardous material associated with the facility.~~

**Item 4:** That Chapter 10 is amended by adding the following bold underlined language and deleting the struck-through language in Section 10.5 Definitions:

**SOLAR ENERGY FACILITY (SEF)**
**Two or more solar collectors or photovoltaic panels intended to capture energy from sunlight, convert it to electricity, and save or deliver the electricity for off-site use.**

**Item 5**: Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- It protects active agricultural lands having a high productive potential and conserves those lands for continued agricultural use. (LUP POLICY AG1) - Solar
- It provides a new and expanding industry that trains and utilizes a more highly skilled labor force and diversifies the local economy. (LUP ED1) – Solar
- It removes a potential conflict between wind energy facilities and the operation of a nearby naval annex. (Wind)

The request is reasonable and in the public interest because:

- It prevents incompatible solar array projects from being established that could adversely impact the quality of life for county residents.
- It removes a potential conflict between wind energy facilities and the operation of a nearby naval annex. (Wind)

**Item 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.



Attachment: Post 9-17 BOC Work Session Solar Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

**Item 6:** This ordinance amendment shall be in effect from and after the ___ day of _____, 2018.

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

Attachment: Post 9-17 BOC Work Session Solar Text Amendment (PB 17-14 Currituck County - Solar Energy Facilities)

# Currituck County
## Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2322)

**Agenda Item Title**

PB 18-26 David Shields:

**Brief Description of Agenda Item:**

Request for a zoning map amendment to rezone approximately .69 acres of Agriculture (AG) to General Business (GB) zoning district. The subject parcel is 2.69 acres in size with 2 acres currently zoned GB and .69 acres currently zoned AG. The property is located at 6615 Caratoke Highway in Grandy, Parcel Identification Number 0108-000-011B-0000, Poplar Branch Township.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Cheri Elliott, Assistant

**Presenter of Agenda Item**

Jason Litteral

# STAFF REPORT
# PB 18-26 DAVID SHIELDS
# PLANNING BOARD
## NOVEMBER 13, 2018

| APPLICATION SUMMARY | |
|---|---|
| **Property Owner:** David Shields<br>6615 Caratoke Hwy.<br>Grandy, NC 27939 | **Applicant:** Same as Owner |
| **Case Number:** PB 18-26 | **Application Type:** Zoning Map Amendment |
| **Parcel Identification Number:** 0108000011B0000 | **Existing Use:** Retail/Indoor Entertainment (Flipper's Arcade) |
| **Land Use Plan Classification:** Full Service | **Parcel Size (Acres):** 2.69 |
| **Current Zoning:** General Business/Agriculture | **Proposed Zoning:** General Business |
| **Zoning History:** GB/RR (1989) | |
| **Request:** Rezone the AG portion (0.69 acres) of parcel 0108000011B0000 (2.69 acres total), which currently contains 2.0 acres of GB, thereby zoning the entire parcel GB. | |

## REQUEST

### NARRATIVE

The applicant is requesting a conventional zoning map amendment to change 0.69 acres of Agriculture (AG) property to General Business (GB). The subject parcel is 2.69 acres in size consisting of 2 acres zoned GB and 0.69 acres zoned AG. The GB portion is currently used for retail purposes which include Flipper's arcade/convenient store, and a restaurant building which was formerly Laredo's. The applicant is proposing to install a laundromat in the last vacant unit in the Flipper's building. Due to the size of the septic system required for the laundromat, it must be installed on the rear portion of the lot which is currently zoned AG. In order for the AG area of the lot to be used for the laundromat's septic system, which is a commercial use, it must be rezoned from AG to GB.

### Community Meeting

The community meeting was held on August 30, 2018 at 2:00 pm. Only the property owners and Jason Litteral from Currituck County Planning and Community Development Department were in attendance. There were no concerns from the public.

## SURROUNDING PARCELS

| | Land Use | Zoning |
|---|---|---|
| North | Residential (SFD) | General Business |
| South | Residential (SFD) | General Business |
| East | Residential (SFD) | Agriculture |
| West | Commercial (Wise Guys) | General Business |

## LAND USE PLAN



Attachment: Staff Report2 (PB 18-26 David Shields)

| The 2006 Land Use Plan classifies this site as Full Service within the Grandy subarea. The policy emphasis for the Grandy subarea is to allow Grandy to further evolve as a community center in its own right. The proposed plan is consistent with the policies of the plan, some of which are: | |
|---|---|
| Policy CD2 | Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation. |
| Policy CD4 | HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT. |
| Policy ED4 | In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND SPIN-OFFS shall also be recognized. |

## RECOMMENDATION

### Planning Staff

The applicant is requesting an expansion of the General Business zoning district in the direction of Soundside Estates which is an existing residential development. The AG portion of the subject property was originally lot 1 of Soundside Estates. Lot 1 was purchased by David Shields and recombined with the existing commercial property along the highway creating one parcel with two zoning designations. If the zoning map amendment is approved, the new GB area will be used for a septic system which should have little to no impact on the adjacent properties. No new structures are being proposed. The majority of the property being rezoned will be occupied by active septic or future repair area for the laundromat leaving little room for other development. Staff recommends approval of the request as submitted.

## CONSISTENCY AND REASONABLENESS STATEMENT

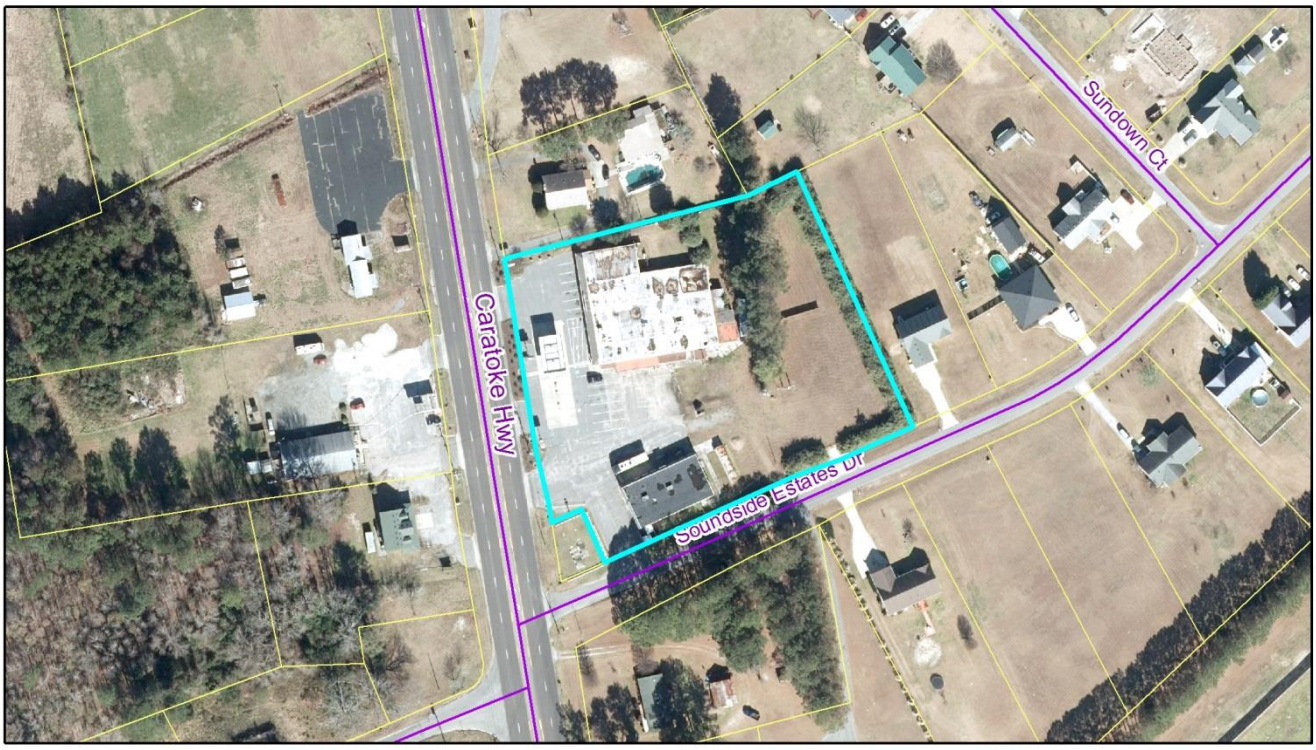
**A zoning map amendment is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a zoning map amendment the Board of Commissioners shall adopt a written statement of consistency and reasonableness.**

This zoning map amendment request is consistent with the goals, objectives, and policies of the Land Use Plan, is compatible with existing and proposed uses surrounding the land subject to the application, and is an appropriate zoning district and use for the land.

It is reasonable and in the public interest because it would result in a logical and orderly development pattern and addresses a demonstrated community need.

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

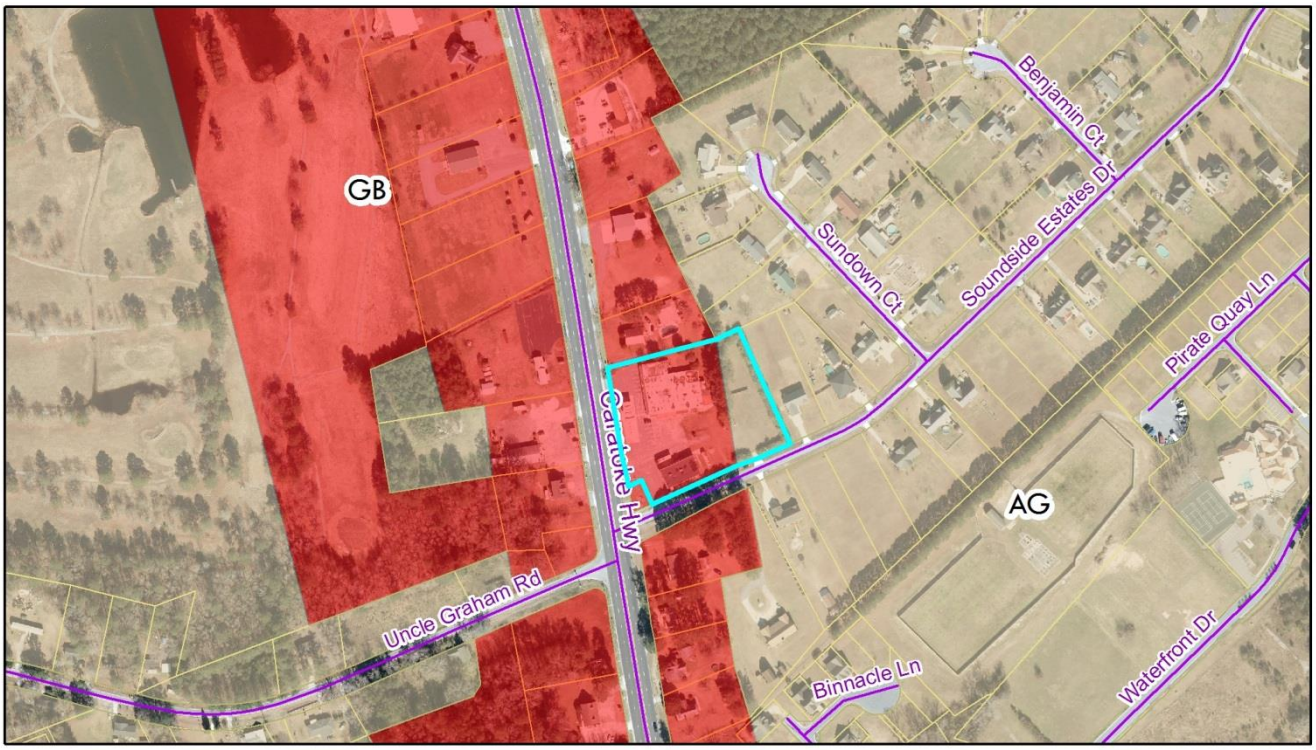
Attachment: Staff Report2 (PB 18-26 David Shields)




PB 18-26 David Shields
Zoning Map Amendment
Aerial

0 55 110 220 Feet

Currituck County
Planning and
Community Development



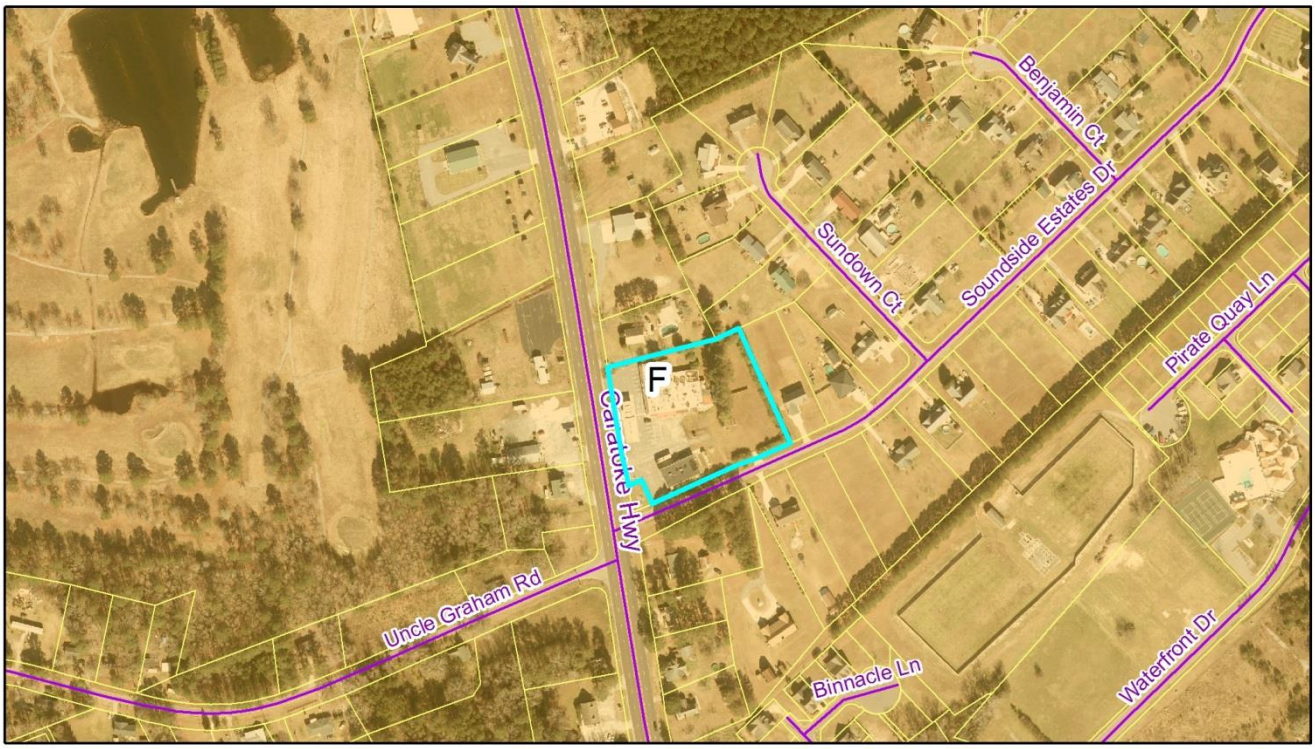

PB 18-26 David Shields
Zoning Map Amendment
Current Zoning

0 120 240 480 Feet

Currituck County
Planning and
Community Development



Attachment: Staff Report2 (PB 18-26 David Shields)



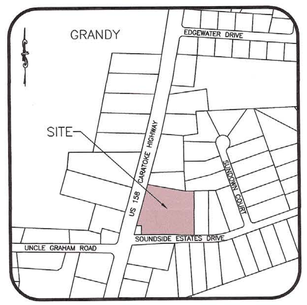

PB 18-26 David Shields
Zoning Map Amendment
Land Use Classification

0 120 240 480 Feet

Currituck County
Planning and
Community Development

Attachment: Staff Report2 (PB 18-26 David Shields)

FINAL DRAWING
NOT FOR
CONSTRUCTION




**VICINITY MAP**
NTS

## SEPTIC DESIGN PLAN

1. OWNER: DAVID SHIELDS
   PO BOX 1099
   KITTY HAWK, NC 27949
2. THE OWNER INTENDS TO CONVERT AN EXISTING BUILDING UNIT INTO A COIN OPERATED LAUNDRY FACILITY. THIS FACILITY WILL INCLUDE SIX (6) COIN OPERATED WASHING MACHINES AND TEN (10) DRYERS.
   - DAILY DESIGN FLOW IS 3,000 GPD
   - LTAR IS 0.3 GPD/SF
3. THE PROPERTY IS 2.69 ACRE RECOMBINATION PLAT FOR DAVID SHIELDS, RECORDED IN P.C. N, SL. 117, D.B. 1251, PG. 480 (OLD GRANDY SUPERMARKET AND LOT 1, SOUNDSIDE ESTATES AND OLD DRUG CARE BUILDING)
   CURRITUCK COUNTY PARCEL ID NO. 0108000011B0000
   PROPERTY ADDRESS: 6615 CARATOKE HIGHWAY, GRANDY, NORTH CAROLINA AND
4. THE SITE IS LOCATED IN FIRM ZONE "X". FIRM MAP NUMBER 3720992100 J, EFFECTIVE DATE DECEMBER 16, 2005. (SUBJECT TO CHANGE BY FEMA)
5. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE SPECIFIED. ELEVATIONS SHOWN ARE HEREON PER NAVD88.
6. AREAS SHOWN ARE BY COORDINATE METHOD.
7. EXISTING FEATURES AND SURVEY INFORMATION OBTAINED FROM RECOMBINATION PLAT FOR DAVID SHIELDS, PERFORMED BY HYMAN AND ROBEY ON JULY 26, 2006, DATED OCTOBER 1, 2012 AND RECORDED IN P.C. M, SL. 119, OTHER RECORDED DEEDS AND PLATS, AND NCONEMAP 2012 IMAGERY, GOOGLE EARTH IMAGERY DATED MARCH 9, 2013 AND SITE VISIT.
8. THE PROPERTY IS ZONED GENERAL BUSINESS (GB) AND AGRICULTURAL (AG) AND ARE PERMITTED/CONDITIONAL USE.
9. ALL DISTURBED AREAS SHALL BE STABILIZED WITH A COASTAL VEGETATION MIX.

Required Parking – 63 spaces

Provided Parking - 57 spaces

Deferred Parking – 6 spaces

Existing Parking

Proposed Parking

**LEGEND**

- BOUNDARY
- RIGHT OF WAY
- FENCE
- TREELINE / SHRUBLINE
- OVERHEAD ELECTRIC
- POWER POLE
- WELL
- ASPHALT
- CONCRETE
- GRAVEL / GRASS

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 INCH = 20 FT.

N75°25'10"E 271.84'
SIGN POST
PROPOSED LAUNDRY FACILITY
3,500 GALLON PUMP TANK WITH SIMTEC FILTERS
CONTROL PANEL
N/F MIYASATO D.B. 1229, PG. 145 D.B. 1275, PG. 999 (RESIDENTIAL)
S25°54'30"E 59.98'
REMOVE EX. PINES AS NECESSARY TO INSTALL LPP DRAINFIELD
3" FORCEMAIN
3" GATE VALVE
S64°26'52"W 59.51'
N/F TYLER LOT 5 SOUNDSIDE ESTATES P.C. D, SL. 178 D.B. 1192, PG. 275 (RESIDENTIAL)
SEE ARCHITECTURAL PLANS
2,000 GALLON SEPTIC TANK WITH FILTER
3,000 GALLON SEPTIC TANK WITH FILTER
TALL PINES (CANOPY LINE)
APPROXIMATE LOCATION OF EXISTING DRAINFIELD (5) 90' LINES @ 3' O.C.
APPROXIMATE LOCATION OF EXISTING SEPTIC TANK
EXISTING BUILDING
EX. CANOPY OVER GAS PUMPS
SIGN POST
N09°17'59"W 210.70'
BOT
ACTIVE AREA 1000 SF (10) 100' LPP DRAINLINES @ 5' O.C.
P.C. J, SL. 167
ASPHALT PARKING LOT
GRAVEL / DIRT / GRASS
SIGN POST
CONCRETE DUMPSTER PAD
STORAGE TRAILER
STORAGE TRAILER
SHED
TALL PINES (CANOPY LINE)
EXISTING WOOD FENCE
REPAIR AREA 5040 SF (60' X 84')
3" FORCEMAIN
3" GATE VALVE
S24°28'50"E 303.56'
ACTIVE AREA 5040 SF (60' X 84') (12) 84' LPP DRAINLINES @ 5' O.C.
N/F COOPER LOT 2 SOUNDSIDE ESTATES P.C. D, SL. 178 D.B. 1112, PG. 93 (RESIDENTIAL)
SANITARY CLEANOUTS
10.0'
CHAINLINK FENCE AND RUSSIAN OLIVE HEDGE ALONG PROPERTY LINE
CARATOKE HIGHWAY (US 158) (80' R/W)
S00°17'08"E 85.70'
S65°50'00"W 41.93'
N24°21'49"W 57.95'
CEMETERY
EXISTING 21 SEAT RESTAURANT
EX. COOLERS ON CONCRETE
EXISTING DRAINFIELD (4) 50' LINES @ 5' O.C. (PER AREA PERMIT FILES OTSOW)
STORAGE TRAILER
S65°30'11"W 223.04'
8" CMU WALL
6" WOOD FENCE
S70°46'15"W 54.63'
S65°31'10"W 85.81'
REPAIR AREA 5280 SF (60' X 88')
50.0'
SOUNDSIDE ESTATES DRIVE
SR 1140 (VARIABLE WIDTH R/W)

Albemarle & Associates, Ltd.
115 West St. Clair Street
P.O. Box 3989
Currituck, NC 27948
Phone: (252) 441-2113
Fax: (252) 441-0965
www.Albemarleassociates.com
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NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 041112 M. DELUCIA, P.E.

Albemarle & ASSOCIATES, LTD.
Engineering - Environmental - Land Planning

REVISIONS

| NO. | DATE | DESCRIPTION | BY |
|---|---|---|---|
| 1 | 09/17/2018 | REVISED LAYOUT | MDL |

LAUNDRY FACILITY SEPTIC PLAN
*DAVID SHIELDS*
*6615 CARATOKE HIGHWAY*
POPLAR BRANCH TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA
GRANDY

| | |
|---|---|
| DATE: | 05/23/2014 |
| SURVEYED: | SEE NOTES |
| DESIGNED: | JMD |
| DRAWN: | KCA |
| CHECKED: | JMD |

SCALE: 1" = 20

C401

PROJ NO. 08063A

18-26 David Shields)
Attachment: 2. Site Plan (PB

K:\Active Projects\08063 - Flippers Laundry Mat, Grandy\08063A - Septic Consultations & Design\Cadd Files\08063A - SEWER.dwg, 1/12/2018 12:10:00 PM

# Zoning Map Amendment
## Application

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

### Contact Information

| APPLICANT: | | PROPERTY OWNER: | |
|---|---|---|---|
| Name: | David Shields | Name: | David Shields |
| Address: | 16615 Caratoke Hwy<br>Grandy NC 27939 | Address: | 16615 Caratoke Hwy<br>Grandy NC 27939 |
| Telephone: | 252-453-4386 | Telephone: | 252-599-0400 |
| E-Mail Address: | flippersvariety@gmail.com | E-Mail Address: | obxamuse@aol.com |

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Self

### Property Information

Physical Street Address: 16615 Caratoke Hwy
Location: Grandy NC
Parcel Identification Number(s): 0108-0000-11B-0000
Total Parcel(s) Acreage: 2.69ac
Existing Land Use of Property: Retail/Arcade

### Request

Current Zoning of Property: GB-1Ag
Proposed Zoning District: GB
Total Acreage for Rezoning: .69ac
Are you rezoning the entire parcel(s): Yes (No)
Metes and Bounds Description Provided: Yes/No

### Community Meeting, if Applicable

Date Meeting Held: Aug 30, 2018
Meeting Location: Flippers Arcade

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.

David Shields
Property Owner(s)/Applicant*

Aug. 30, 2018
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.**



Attachment: 1. APPLICATION (PB 18-26 David Shields)

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**

_____

_____

_____



Attachment: 1. APPLICATION (PB 18-26 David Shields)

August 30, 2018

Our meeting was held today at 2pm to answer any questions or concerns the public may have in the use of the back lot for septic drain field for the laundry mat.

Jason Litteral, Currituck County, David Shields,Owner and Becky Connell were the only attendees. There were no concerns from the public.

Attachment: COMMUNITY MEETING (PB 18-26 David Shields)

# Currituck County
## Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2321)

**Agenda Item Title**

PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment:

**Brief Description of Agenda Item:**

Request for a zoning map amendment to relocate the split zoning of approximately 7.7 acres from General Business (GB) to Agriculture (AG) for property located in Moyock, west of Beechwood Shores, Parcel Identification Number 0031-000-064N-0000, Moyock Township.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Jennie Turner,

**Presenter of Agenda Item**

Jennie Turner

# STAFF REPORT
# PB 18-25 JERRY L. OLD & DON S. WILLIAMS, SR.(FEREBEE ACRES)
# PLANNING BOARD
## NOVEMBER 13, 2018

## APPLICATION SUMMARY

| | |
|---|---|
| **Property Owner:**<br>Jerry L. Old & Don S. Williams, Sr.<br>PO Box 310<br>Moyock, NC 27958 | **Applicant:**<br>Jerry L. Old & Don S. Williams, Sr.<br>PO Box 310<br>Moyock, NC 27958 |
| **Case Number:** PB 18-25 | **Application Type:** Zoning Map Amendment |
| **Parcel Identification Number:**<br>0031-000-064N-0000 | **Existing Use:** Vacant/Agricultural with two billboards in GB area |
| **Land Use Plan Classification:**<br>Rural & Conservation | **Parcel Size (Acres):** 57.95 (entire parcel) |
| **Land Use Plan Subarea:** Moyock | **Zoning History:** B & A-40 (1975), GB & A (1989) |
| **Current Zoning:** GB and AG | **Proposed Zoning:** GB and AG |
| **Request:** Request for a zoning map amendment to relocate the split zoning of approximately 7.7 acres from General Business (GB) to Agriculture (AG) for property located in Moyock, west of Beechwood Shores, Parcel Identification Number 0031-000-064N-0000, Moyock Township. | |

## REQUEST

### Narrative

The proposed rezoning of approximately 7.7 acres from General Business (GB) to Agriculture (AG) is presented to the board as a conventional zoning map amendment. The 57.95 acre property is currently zoned GB and AG. The portion of the property that abuts Caratoke Highway is zoned GB and the remainder of the parcel is zoned AG. The applicants are seeking to relocate the split zoning on the property through downzoning approximately 7.7 acres from GB to AG. There are currently two billboards located adjacent to Caratoke Highway in the existing GB zoned portion of the property. The applicants are requesting to relocate the zoning line to reduce the GB area and retain a portion of GB area so that commercial lots may be created and the existing billboards may remain. The billboards are required by the UDO to be located in the GB zoning district. If the rezoning is approved, the applicants have indicated that they will submit a Minor Subdivision application to create GB parcels along Caratoke Highway. Subsequently, the applicants will propose a conservation subdivision (Major Subdivision) for the remaining AG zoned portion of property.

### Community Meeting

A community meeting was held on July 23, 2018 and community meeting notices to adjacent property owners stated that the applicants were requesting a conditional rezoning to C-SFM for a traditional subdivision. Following conversations with planning staff, the applicants elected to apply for a straight rezoning (downzoning) from GB to AG. At the community meeting, the applicants informed attendees of their change in zoning approach. A copy of the community meeting summary is included in the agenda packet.



Attachment: 1 18-25 Jerry Old & Don S. Williams Sr. (Ferebee Acres) Staff Report 11.13.2018 PB (PB 18-25 Jerry L. Old & Don S. Williams, Sr.

The UDO does not require a community meeting for zoning map amendments that establish a less intense base zoning district; therefore, the community meeting is not required for this request.

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. Conditional zoning district applications may not contain bifurcated zoning districts where only a portion of the property is subject to a conditional zoning classification.

**SURROUNDING PARCELS**

| | Land Use | Zoning |
|---|---|---|
| North | Wetland Area | AG |
| South | Wooded Area (Across Caratoke Highway) | AG |
| East | Wetland Area & Single-Family Dwellings (Beechwood Shores) | SFM |
| West | Vacant & Single-Family Dwellings | GB & AG |

**LAND USE PLAN**

**The 2006 Land Use Plan (LUP) classifies this site as Rural within the Moyock subarea. The policy emphasis for the Rural subarea is intended to provide for agriculture, forestry, and other allied uses. Preferred uses include very low-density dispersed development associated directly with farm uses. Residential dwellings associated with farm activity typically employ on-site water supply and waste disposal. The proposed zoning map amendment is in keeping with the policies of the plan, some of which are:**

| | |
|---|---|
| Policy AG4 | County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land. |
| Policy ML 1 | Currituck County recognizes the particular interest of residents and property owners in the Mainland Area in PRESERVING FARMLAND AND OPEN SPACE. The County shall exercise diligence in applying policies, plans and actions that will encourage compact growth and the preservation of farmland and open space in the Mainland Area. |

**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 zoning map amendment request is consistent with the Land Use Plan classifications and policies stated above and it is reasonable and in the public interest because:

- It 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 request, a downzoning of a portion of GB zoned property to AG, is compatible with existing and proposed uses, as a straight rezoning of the entire



Attachment: 1 18-25 Jerry Old & Don S. Williams Sr. (Ferebee Acres) Staff Report 11.13.2018 PB (PB 18-25 Jerry L. Old & Don S. Williams, Sr.

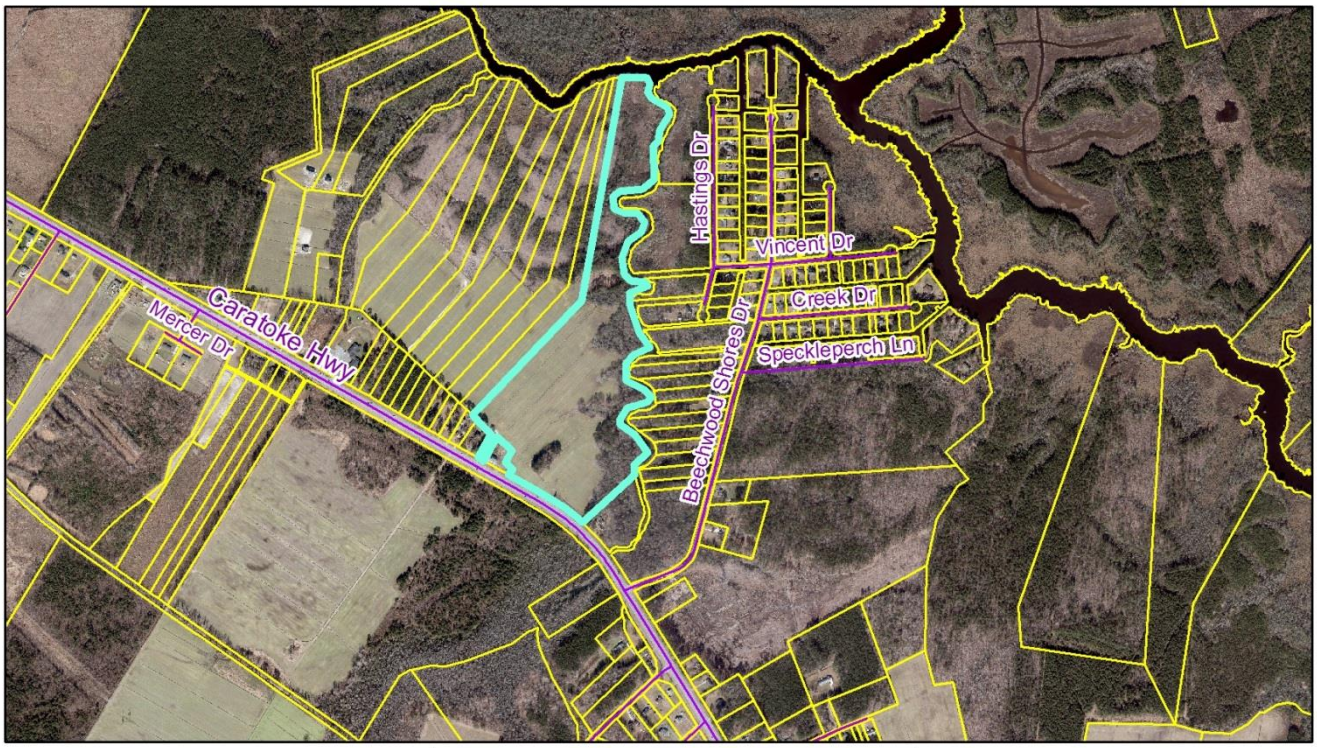
property to AG would create bifurcated GB zoned parcels adjacent to Caratoke Highway. Additionally, a straight rezoning of the entire property to AG would require removal of the existing billboards as billboards may only continue if located in the GB zoning district. Existing uses adjacent to the property include vacant property and single-family dwellings. An adjacent single-family dwelling is located in the GB zoning district.

- It will result in a logical and orderly development pattern;
  - Permissible uses in AG are less intensive than those permissible in the GB zoning district and the LUP policies support AG uses over GB uses on this property.

## RECOMMENDATION

### PLANNING STAFF

- Staff supports the proposed zoning map amendment of approximately 7.7 acres from GB to AG.

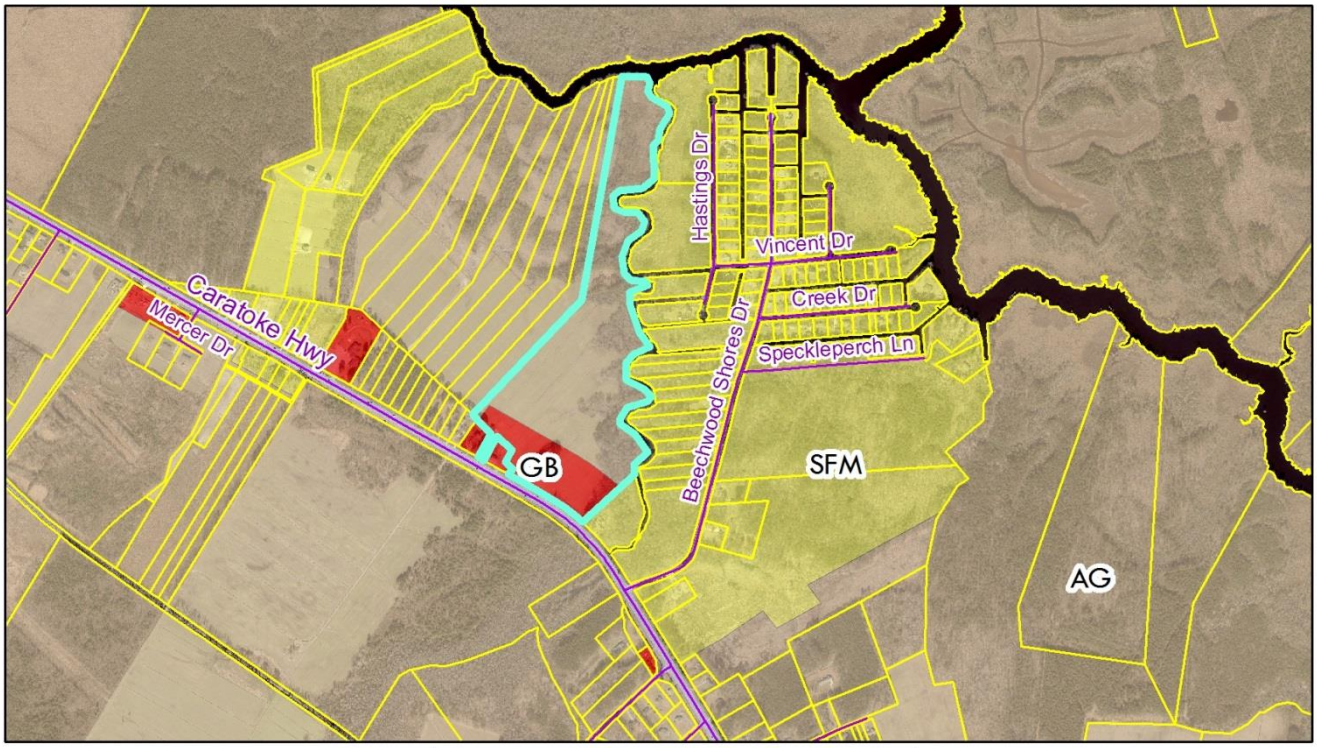



PB 18-25 Jerry L. Old &
Don S. Williams, Sr. (Ferebee Acres)
Aerial

0 550 1,100 2,200 Feet

Currituck County
Planning and Community
Development

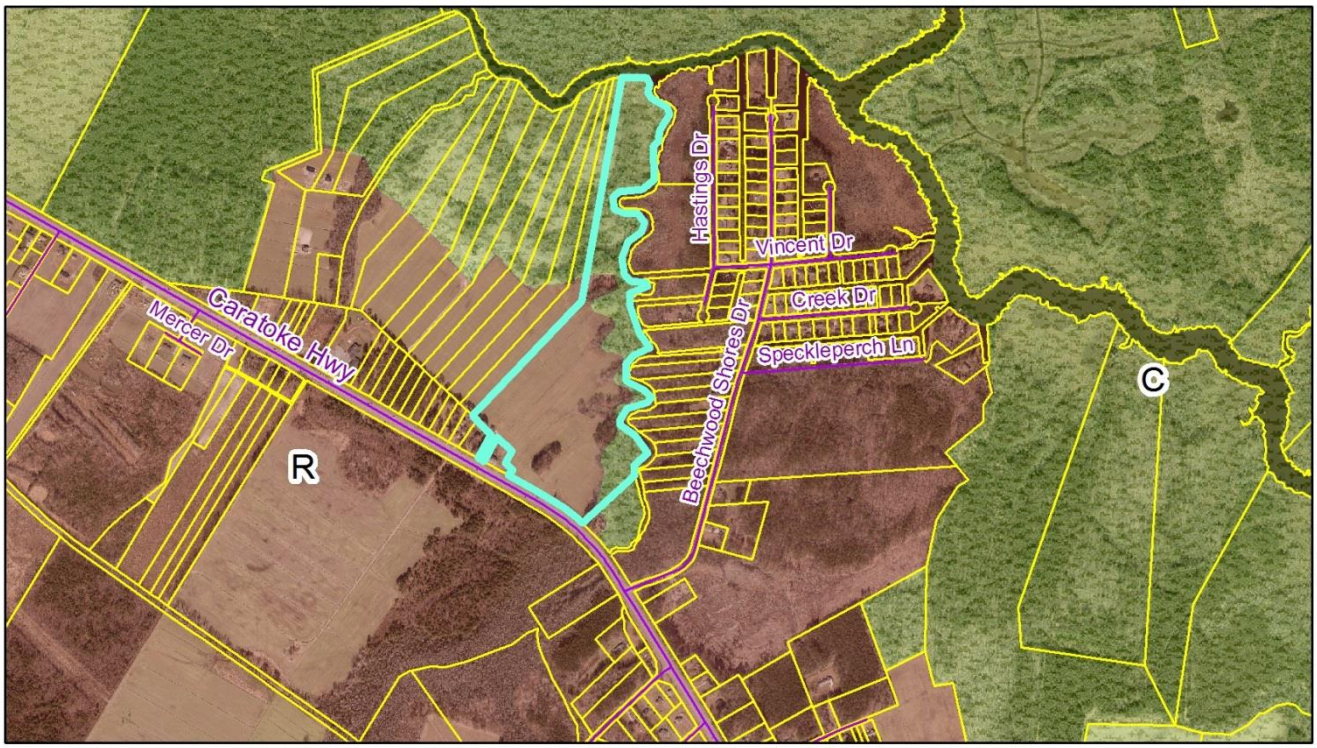
Attachment: 1 18-25 Jerry Old & Don S. Williams Sr. (Ferebee Acres) Staff Report 11.13.2018 PB (PB 18-25 Jerry L. Old & Don S. Williams, Sr.




PB 18-25 Jerry L. Old &
Don S. Williams, Sr. (Ferebee Acres)
Official Zoning Map

0 550 1,100 2,200 Feet

Currituck County
Planning and Community
Development




PB 18-25 Jerry L. Old &
Don S. Williams, Sr. (Ferebee Acres)
Land Use Plan Classification

0 550 1,100 2,200 Feet

Currituck County
Planning and Community
Development



Attachment: 1 18-25 Jerry Old & Don S. Williams Sr. (Ferebee Acres) Staff Report 11.13.2018 PB (PB 18-25 Jerry L. Old & Don S. Williams, Sr.

Attachment: 1 18-25 Jerry Old & Don S. Williams Sr. (Ferebee Acres) Staff Report 11.13.2018 PB (PB 18-25 Jerry L. Old & Don S. Williams, Sr.

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

Quible

Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
SINCE 1959

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

July 30, 2018

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

RE: **Community Meeting Report**
Zoning Map Amendment Application
Residual Parcel, Ferebee Acres LLC Exempt Subdivision
PID 0031000064N0000
Moyock, Currituck County, NC

Ms. Voliva,

A community meeting for the proposed Zoning Map Amendment Application of the above referenced parcel located in Moyock, Currituck County was held on Monday, July 23, 2018 at 11:30 am in the Moyock Public Library's Meeting Room located at 126 Campus Drive, Moyock, NC. The meeting was conducted by Quible & Associates, P.C. (Quible) on behalf of the owners, Don S. Williams, Sr. and Jerry L. Old. Mr. Old and a representative from Currituck County Planning Department were in attendance.

**Purpose**

The purpose of the meeting was to inform the community in the vicinity of the subject parcels of the intent to apply for a Zoning Map Amendment to allow for a conservation subdivision design. The existing parcel consists of vacant land, two (2) billboards, agricultural fields and woods. The parcel currently has two zones throughout it, GB and AG. The proposed Zoning Map Amendment is to reduce the size of the GB on the parcel in order to accumulate greater amounts of land zoned AG for a conservation subdivision.

**Meeting synopsis**

The Meeting Room was opened to the public prior to the meeting and guest/representatives started arriving at 11:25 am. Prior to the 11:30 start time, the Zoning Exhibit could be viewed in an "open house" setting. Along with the Zoning Exhibit, copies of the meeting agenda, printouts of all the surrounding zoning district regulations from the Currituck County UDO, business cards with my contact information, and blank comments sheets were available on the front table. As attendees arrived, they were asked to provide their contact information on the sign-in sheet that was located on the front table as well. Attendees were advised that comments could be received by either email, telephone, or comment sheet provided on the front table.

At 11:35 am a presentation of the proposed Zoning Map Amendment was provided by Quible. Attendees were introduced to Quible, the Owners, and the representative from Currituck County Planning. Attendees were reminded to fill out their contact information on the sign-in sheet and

Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

to pick up copies of the meeting agenda as well as the comment form, if they would like. The presentation followed the outline of the Agenda that was provided (Attachment 1).

The presentation contained a brief description of the County procedures, the proposed project, and the purpose for the community meeting. The subject parcels were described and identified on the exhibit as well as the surrounding lots and their corresponding zoning districts. The subject parcel was described as being surrounded by adjacent SFM, AG and GB zoning districts. A subdivision sketch of the proposed subdivision concept was shown to the attendees. It was noted that the shown subdivision was not fully complete and could vary once further design took place. It was also noted during the meeting that the initial intent was to pursue a conditional rezone to C-SFM and a traditional subdivision. After discussion with Currituck County Planning Staff, the direction slightly changed to pursuing a zoning map amendment to reduce the size of the GB zoning near Caratoke Hwy and pursue a conservation subdivision. It was explained that the proposed conservation subdivision would be in compliance with the Bulk Dimensional requirements specified in the Currituck County UDO under the AG district requirements.

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

1. An attendee asked what the asking price on the vacant lots would be once the subdivision was complete.
   *The applicant responded stating that the lots would be put for sell at prices of comparable market value.*
2. An attendee asked would the owners sell just the vacant lots or only lots with houses on them.
   *The applicant responded stating that they would intend to do either.*
3. An attendee who lives in Beechwood Shores Road (across the canal from the subject project) asked if a proposed subdivision on the subject property would cause increased flooding in the Beechwood Shores lots.
   *Quible responded that the proposed subdivision would be in accordance with all State and County Stormwater regulations. Due to having a large wetland/canal area where stormwater passed the required storage volumes would discharge, it should not increase downstream flooding or flooding in the Beechwood Shores area.*
4. An attendee asked what the timeframe would be for the project.
   *The applicant answered with a rough timeline of 2nd quarter of 2019 for receiving permits and 2020 for construction to be complete.*
5. An attendee asked if the open space would remain open space after the completed project.
   *Quible responded stating that the open space would remain the open space once the final plat was recorded. Any change to that would involve a formal revision process that would be reviewed by the County Planning Staff and/or County Boards.*



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After these questions, additional conversation regarding who owned adjacent property and such took place. Upon conclusion of the discussions, attendees were again reminded that any further questions or comments not addressed at the meeting could be forwarded to Quible and the meeting was adjourned. It was Quible's understanding that the attendees did not show any opposition to the proposed Zoning Map Amendment. The questions and discussions that took place reflected curiosity more than anything else. In fact, the attendees stated their satisfaction with the proposed project shortly before leaving.

Copies of all the handouts, exhibits, and other documents available at the meeting are provided in attachments to this document.

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

Sincerely,
**Quible & Associates, P.C.**

Dylan L. Tillett, P.E.

cc: Jerry L. Old
Don S. Williams, Sr.
File



Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

# Attachment 1

## Community Meeting Agenda

Quible & Associates, P.C. SINCE 1959
ENGINEERING * CONSULTING * PLANNING
ENVIRONMENTAL SCIENCES * SURVEYING
Phone: (252) 491-8147
Fax: (252) 491-8146
Web: www.quible.com

**Community Meeting for Conditional Rezoning – To C-SFM For A Traditional Subdivision**
**Lots 1, 2, 8, 9, 10, & Lot Residual – Ferebee Acres LLC Exempt Subdivision**
**Parcel Identification Numbers 0031000064C0000, 0031000064D0000, 0031000064K0000, 0031000064L0000, 0031000064M0000, & 0031000064N0000**
**Moyock, Currituck County, NC**

July 23, 2018

**AGENDA**

1. **General Introduction**
   a. Quible & Associates, P.C.
   b. Don S. Williams Sr. & Jerry L. Old
   c. Currituck County
   d. Sign In Sheet

2. **Existing Information**
   a. Location:
      i. Lots 1, 2, 8, 9, 10, & Residual Parcel of Ferebee Acres LLC Exempt Subdivision
      ii. Approximately 1,200 ft northwest of the intersection of Beechwood Shores Dr. and Caratoke Hwy.
   b. Current Land Use: Vacant/Agricultural
   c. Site Zoning: AG; Agricultural, & GB; General Business
   d. The existing site consists of a vacant lot without existing improvements.

3. **Discussion**
   a. Apply for a Conditional Rezoning to C-SFM for a Traditional Subdivision. A community meeting to inform owners and occupants of nearby lands about the application for a Conditional Rezoning is required by the Currituck County Unified Development Ordinance.
   b. The Conditional Rezoning Exhibit shown demonstrates the existing neighboring zoning districts and reflect that the vast majority of adjacent property are currently SFM or AG.
   c. The Sketch Plan shown demonstrates the proposed Traditional Subdivision design that will be proposed during Preliminary Plat submittal.

4. **Questions & Comments**
   a. Quible & Associates and the owners are available to answer questions and comments.
   b. Comments can be provided in writing on Comment Forms provided or they can be sent to Dylan L. Tillett, P.E. of Quible & Associates, P.C. by email at dtillett@quible.com or by phone at 252-491-8147.

Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

# Attachment 2

## Printouts of Surrounding Zoning District Regulations

## 3.3.3. Agriculture (AG) District

# AG AGRICULTURE DISTRICT



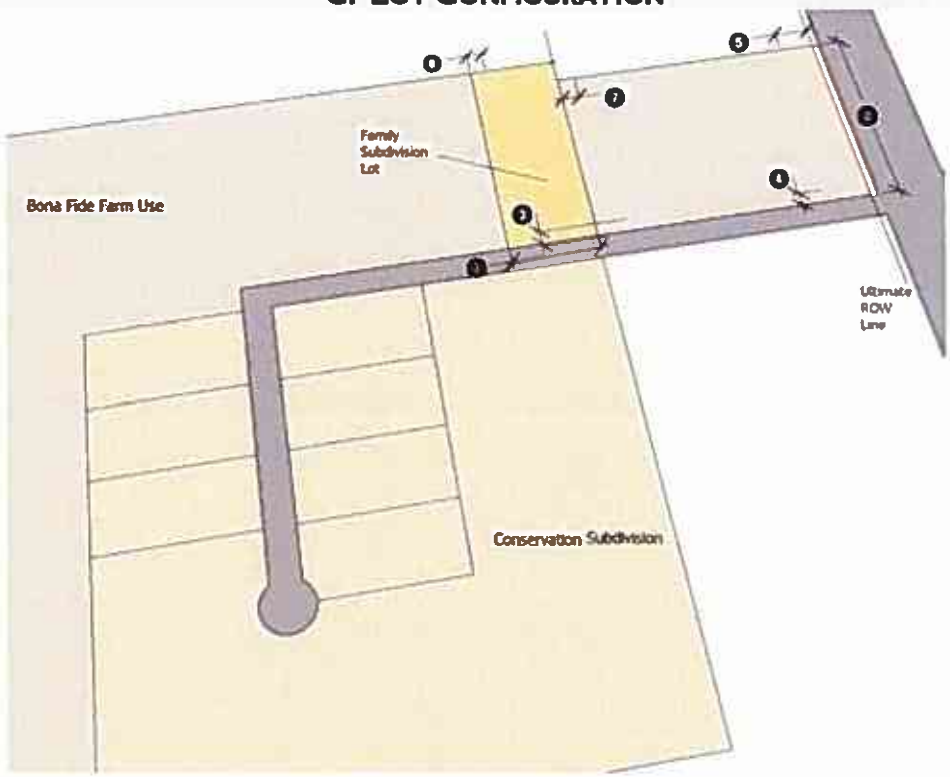
### A. District Purpose

The Agriculture (AG) district is established to accommodate agriculture and agriculturally-related uses (including residential development) at very low densities in rural portions of the county. The district is intended to preserve and protect active agricultural uses, farmlands, and other open lands for current or future agricultural use. The district accommodates small-scale residential uses and allows farmers to capture a portion of the land's development potential through special provisions for conservation subdivisions that allow a portion of a tract or site to be developed with single-family homes while the balance of the site is left as open lands available for continued agricultural use. The district accommodates a wide range of agricultural and agricultural-related uses like "agri-business" and "agri-entertainment", but prohibits uses that are not directly related to or that do not provide direct support for agricultural activities.

### B. Lot Patterns



### C. Lot Configuration






All subdivisions resulting in six or more lots shall be designed in accordance with the conservation subdivision standards in Section 6.4.



Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

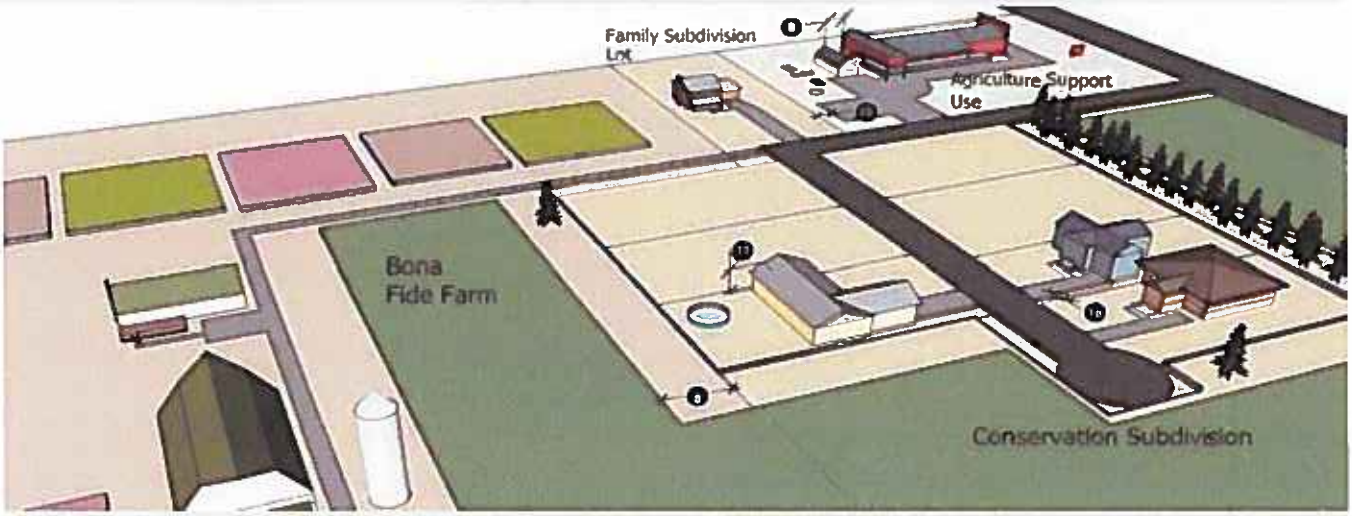
## D. Typical Building Forms







## E. Building Configuration




## F. Dimensional Standards

TD = Traditional Development  CS = Conservation Subdivision Development

| | TD | CS | | | TD | CS | |
|---|---|---|---|---|---|---|---|
| Max. Gross Density (du/ac) | N/A | - | | Max. Lot Coverage (%) | 30 | 30 | |
| With 50% Open Space (du/ac) | | | | Min. Front Setback (ft) [4] | 20 | N/A | 3 |
| County Water Supply | | 0.33 | | Min. Corner Side Setback (ft) | 20 | N/A | 4 |
| No County Water Supply [7] | | 0.15 | | Min. Major Arterial Street Setback (ft) | 50 | 50 | 5 |
| With 60% Open Space (du/ac) | - | 0.4 | | Min. Side Setback (ft) | 15 | 15 | 6 |
| Max. Nonresidential FAR (%) | 0.40 | N/A | | Min. Rear Setback (ft) | 25 | N/A | 7 |
| Min. Lot Area [1] | | | | Min. Agriculture Setback (ft) [5] | N/A | 50 | 8 |
| County Water Supply (square feet) | | 30,000 | | Min. Accessory Use Setback (ft) | 10 | 10 | 9 |
| No County Water Supply (acres) [7] | | 2 | | Min. Driveway/Parking Setback (ft) | 10 | N/A | 10 |
| Max. Lot Area (acres) | N/A | N/A | | Min. Fill Setback from all Lot Lines (ft) | 10 | 10 | |
| Min. Lot Width, Interior Lot (ft) [2] | 125 | N/A | 1 | Min. Wetland/Riparian Buffer (ft) [5] | 30 | 30 | |
| Min. Lot Width, Corner Lot (ft) | 135 | N/A | 2 | Max. Building Height (ft) [6] | 35 | 35 | 11 |
| Max. Lot Depth | [3] | N/A | | Min. Spacing Between Principal Buildings (ft) | 10 | 10 | 12 |

[1] Minor subdivision lots shall be at least 40,000 square feet in area on public water supply and, 3 acres in area when the proposed minor subdivision exceeds the county water supply connection distance formula
[2] All lots shall maintain a minimum street frontage of 35 feet
[3] Lot depth shall not exceed four times the lot width
[4] Front setbacks shall be measured from ultimate ROW line
[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater
[6] Not applied to farm structures meeting minimum setbacks plus an additional setback of one foot for each foot in height over 35 feet
[7] Applied to subdivisions that exceed the county water supply connection distance formula in Chapter 6



Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

# 3.4. RESIDENTIAL BASE ZONING DISTRICTS

## 3.4.1. General Purposes

The residential base zoning districts established in this section are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

**A.** Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the Land Use Plan and applicable small area plans;

**B.** Ensure adequate light, air, privacy, and recreational and open space areas for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;

**C.** Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;

**D.** Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;

**E.** Provide for safe and efficient vehicular access and circulation and promote bicycle-,and pedestrian-friendly neighborhoods;

**F.** Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development or require a residential environment while protecting residential areas from incompatible nonresidential development;

**G.** Create neighborhoods and preserve existing community character while accommodating new development and redevelopment consistent with the county's goals and objectives; and

**H.** Preserve the unique character and historic resources of the traditional neighborhoods and the community.



Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

## 3.5.2. General Business (GB) District

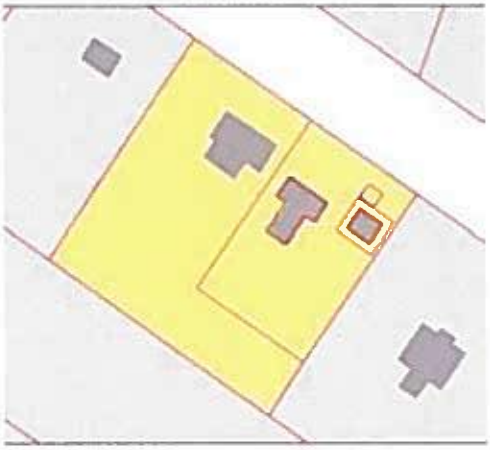
**GB**
**GENERAL BUSINESS**



### A. District Purpose

The General Business (GB) district is established to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways outside of community and village center areas. The district is intended 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 district also accommodates low density single-family detached dwellings, accessory dwelling units, and manufactured homes on individual lots (on the mainland). New commercial development is subject to commercial design standards to ensure development quality and consistency with surrounding development patterns. New commercial development of 5,000 square feet or more proposed on lots located outside of areas designated as Full Service areas in the Land Use Plan is required to obtain use permit approval. New development on lots along major arterials (like Caratoke Highway) outside designated Full Service areas are subject to increased minimum front setbacks and increased landscaping requirements to help protect the scenic character of these areas. New industrial, multi-family, and institutional residential uses are prohibited in the GB district.

### B. Lot Patterns



### C. Typical Building Forms







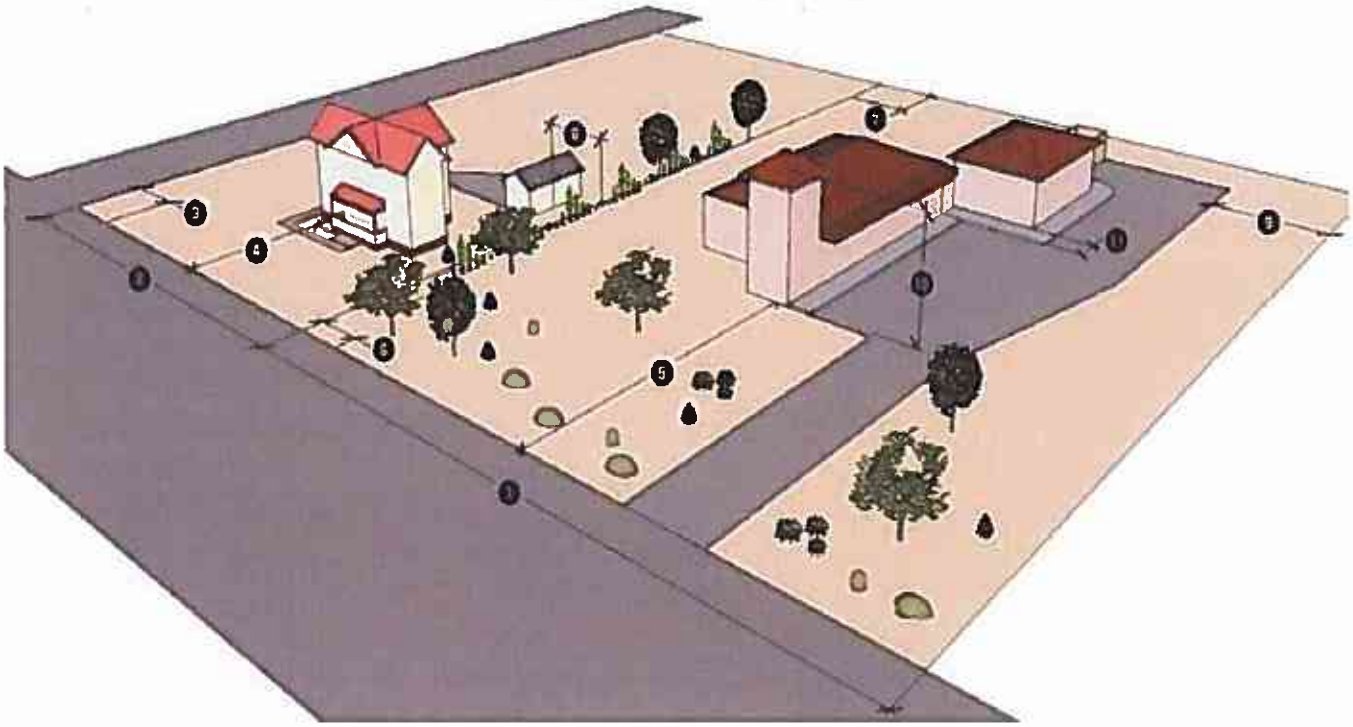






Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

## D. Building Configuration



## E. Dimensional Standards

| | | | | | |
|---|---|---|---|---|---|
| Max. Gross Density (du/ac) | N/A | | Min. Major Arterial Street Setback (ft) [3] | | |
| Max. Nonresidential FAR (%) [2] | 0.40 | | Within Full Service Areas (ft) | 30 | 4 |
| Min. Lot Area (sf ft) | 40,000 | | Outside Full Service Areas (ft) | 100 | 5 |
| Max. Lot Area (acres) | N/A | | Min. Side Setback (ft) | 15 | 6 |
| Min. Lot Width, Interior Lot (ft) | 125 | 1 | Min. Rear Setback (ft) | 25 | 7 |
| Min. Lot Width, Corner Lot (ft) | 125 | 2 | Min. Agricultural Setback (ft) [4] | 50 | |
| Max. Lot Depth (ft) | [1] | | Min. Accessory Use Setback (ft) | 10 | 8 |
| Max. Lot Coverage (%) | 65 | | Min. Driveway/Parking Setback (ft) | 10 | 9 |
| Min. Front Setback (ft) | 20 | | Min. Fill Setback from all Lot Lines (ft) | 10 | |
| Min. Corner Side Setback (ft) | 20 | 3 | Min. Wetland/Riparian Buffer (ft) [4] | 30 | |
| | | | Max. Building Height (ft) | 35 | 10 |
| | | | Min. Spacing Between Principal Buildings (ft) | 10 | 11 |

[1] Lot depth shall not exceed four times the lot width
[2] Commercial structures exceeding 5,000 square feet must obtain use permit approval if proposed outside a Full Service area
[3] Metal siding is prohibited on building facades facing major arterial streets
[4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater



Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

## 3.4.2. Single-Family Residential-Mainland (SFM) District

# SFM
# SINGLE-FAMILY RESIDENTIAL MAINLAND



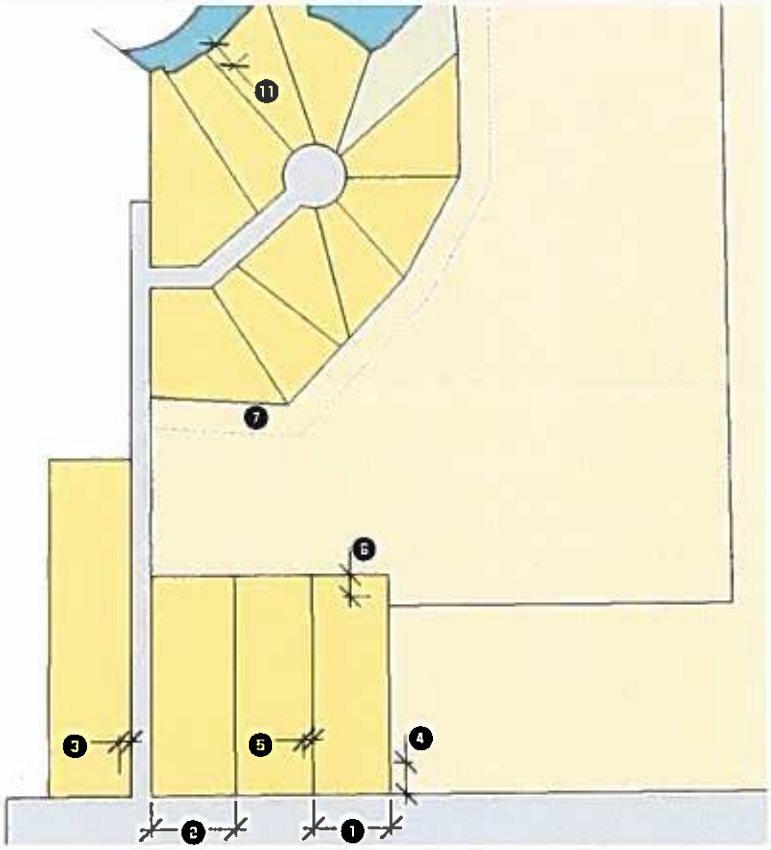
### A. District Purpose

The Single-Family Residential-Mainland (SFM) district is established to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place undue stress on the county's educational infrastructure. A variety of residential use types are allowed in the district, including single-family detached homes, manufactured homes on their own lots, detached accessory dwelling units, as well as duplexes. The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, schools, and similar uses. This district also includes the conservation subdivision option with the ability to accommodate up to one unit per acre in Full Service areas designated on the future land use map of the Land Use Plan. Major utilities require approval of a use permit, while commercial, office, and industrial uses are prohibited.

### B. Lot Patterns



### C. Lot Configuration






Development established after January 1, 2013 that fronts or is within 1,000 feet of a major arterial street shall provide streetscape landscaping in accordance with Section 5.2.8.



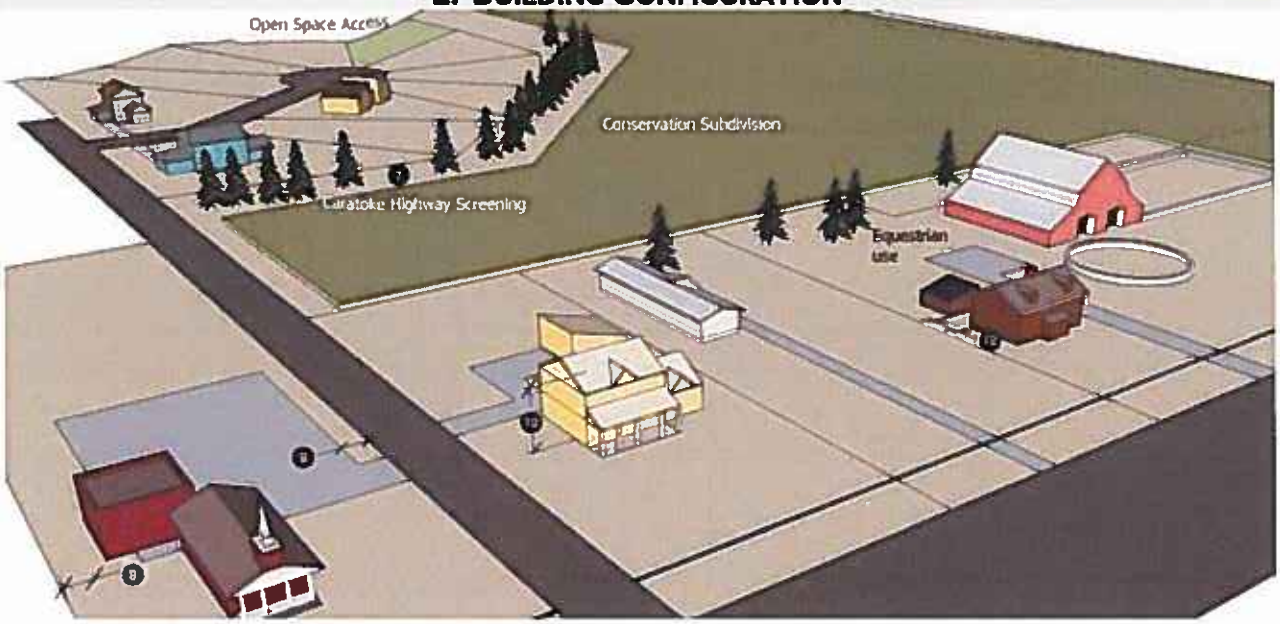
Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

## D. Typical Building Forms





## E. Building Configuration




## F. Dimensional Standards

TD = Traditional Development  CS = Conservation Subdivision Development

| | TD | CS | | | TD | CS | |
|---|---|---|---|---|---|---|---|
| Max. Gross Density – Traditional Dev. (du/ac) | N/A | - | | Min. Front Setback (ft) | 20 | N/A | |
| Max. Gross Density – Conservation Sub. | | | | Min. Corner Side Setback (ft) [4] | 20 | N/A | 3 |
| In Rural/Conservation Areas (du/ac) | - | 0.33 | | Min. Major Arterial Street Setback (ft) | 50 | 50 | 4 |
| In Limited Service Areas (du/ac) | - | 0.75 | | Min. Side Setback (ft) | 10 | 10 | 5 |
| In Full Service Areas (du/ac) | - | 1.0 | | Min. Rear Setback (ft) | 25 | N/A | 6 |
| Max. Nonresidential FAR (%) | 0.40 | N/A | | Min. Agriculture Setback (ft) [5] | 50 | 50 | 7 |
| Min. Lot Area (sf ft) | 40,000 | 25,000 | | Min. Accessory Use Setback (ft) | 10 | 10 | 8 |
| Max. Lot Area (acres) | N/A | N/A | | Min. Driveway/Parking Setback (ft) | 10 | N/A | 9 |
| Min. Lot Width, Interior Lot (ft) [1] | 125 | N/A | 1 | Min. Fill Setback from all Lot Lines (ft) | 10 | 10 | |
| Min. Lot Width, Corner Lot (ft) | 135 | N/A | 2 | Max. Building Height (ft) | 35 | 35 | 10 |
| Max. Lot Depth | [2] | N/A | | Min. Wetland/Riparian Buffer (ft) [5] | 30 | 30 | 11 |
| Max. Lot Coverage (%) | 30 [3] | 30 | | Min. Spacing Between Principal Buildings (ft) | 10 | 10 | 12 |

[1] All lots shall maintain a minimum street frontage of 35 feet
[2] Lot depth shall not exceed four times the lot width
[3] 35% for platted lots of 19,000 sf in area or less
[4] Front setbacks shall be measured from ultimate ROW line

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater



Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

Attachment 3

Copy of Blank Comment Sheet

**Community Meeting for Conditional Rezoning – Lots 1, 2, 8, 9, 10, & Residual – Ferebee Acres LLC Exempt Subdivision**

**Parcel Identification Numbers 0031000064C0000, 0031000064D0000, 0031000064K0000, 0031000064L0000, 0031000064M0000, & 0031000064N0000**

**Moyock, Currituck County, NC**

Comments: _____

Contact Information:_____

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

Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

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Attachment 4

Meeting Sign-In Sheet

Quible & Associates, P.C. SINCE 1959
ENGINEERING * CONSULTING * PLANNING
ENVIRONMENTAL SCIENCES * SURVEYING
Phone: (252) 491-8147
Fax: (252) 491-8146
Web: www.quible.com

# Community Meeting for Conditional Rezoning - Lots 1, 2, 8, 9, 10, & Lot Residual - Ferebee Acres LLC Exempt Subdivision Moyock, Currituck County, North Carolina

**Quible & Associates Project No. 17079**

**Community Meeting Sign In: Monday, July 23rd, 2018 at 11:30 AM**

| # | Name | Company / Organization / Address | Telephone No. | Fax No. | Email |
|---|---|---|---|---|---|
| 1. | Dylan L. Tillett, P.E. | Quible & Associates, P.C. | (252) 491-8147 | (252) 491-8146 | dtillett@quible.com |
| 2. | JOE DEMNICKI | RESIDENT | 252-232-2749 | — | — |
| 3. | Jim Wheeler | RESIDENT | 421-0048 | | |
| 4. | Tammy Glave | Currituck CTD | | | |
| 5. | Trevor Old | Resident | 207-3001 | | |
| 6. | Jerry Old | Resident | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |
| 11. | | | | | |
| 12. | | | | | |
| 13. | | | | | |
| 14. | | | | | |
| 15. | | | | | |
| 16. | | | | | |
| 17. | | | | | |

Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

# Attachment 5

## Example of Adjacent Property Owner Letter

Quible

Quible & Associates, P.C.
ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
SINCE 1959

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

July 11, 2018

Laurie LoCicero
Planning & Community Development Director
Currituck County
153 Courthouse Rd Ste 110
Currituck, NC 27929

Re: **Notice of Community Meeting**
Conditional Rezoning Application – To C-SFM For a Traditional Subdivision
Moyock, Currituck County, NC

Dear Property Owner(s),

Please be advised that on behalf of Don S. Williams Sr. and Jerry L. Old, Quible & Associates, P.C. will conduct a community meeting on Monday, July 23, 2018 at 11:30 a.m. at the Moyock Public Library located at 126 Campus Drive, Moyock, NC 27958.

The purpose of this meeting is to inform the community of a proposed conditional rezoning application for Lots 10, 9, 8, 1, 2, & the Residual Parcel of Ferebee Acres LLC Exempt Subdivision from zoning district AG & GB to C-SFM district to allow for a traditional subdivision design.

The subject parcels are identified by Parcel ID Numbers 0031000064N0000, 0031000064M0000, 0031000064L0000, 0031000064K0000, 0031000064C0000 and 0031000064D0000. The project is located approximately 1,200 feet NW of the intersection of Beechwood Shores Dr. and Caratoke Hwy in Moyock, Currituck County.

All persons having an interest in this matter are invited to attend the informational meeting. Further information regarding the application may be obtained by contacting Dylan L. Tillett, P.E. or Michael W. Strader, Jr., P.E. of Quible & Associates, P.C. by phone at 252-491-8147 or by email at dtillett@quible.com.

Sincerely,
**Quible & Associates, P.C.**

Dylan L. Tillett, P.E.

Cc: Don S. Williams Sr.
Jerry L. Old
File

Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

Attachment 6

Photo of Community Meeting Sign

Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)


COMMUNITY MEETING
WHAT:
CONDITIONAL REZONING APPLICATION - TO C-SFM
FOR A TRADITIONAL SUBDIVISION
WHEN:
JULY 23, 2018 11:30 A.M.
WHERE:
MOYOCK PUBLIC LIBRARY (MEETING ROOM)
126 CAMPUS DRIVE
MOYOCK, NC 27958
PARCEL PID:
0031000064N0000, 0031000064M0000,
0031000064L0000, 0031000064K0000,
0031000064C0000, & 0031000064D0000
CONTACT:
QUIBLE & ASSOCIATES, P.C.
ATTN: DYLAN L. TILLETT, P.E.
252.491.8147
Quible & Associates, P.C.

Attachment: 2 Community Meeting Report pkg (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

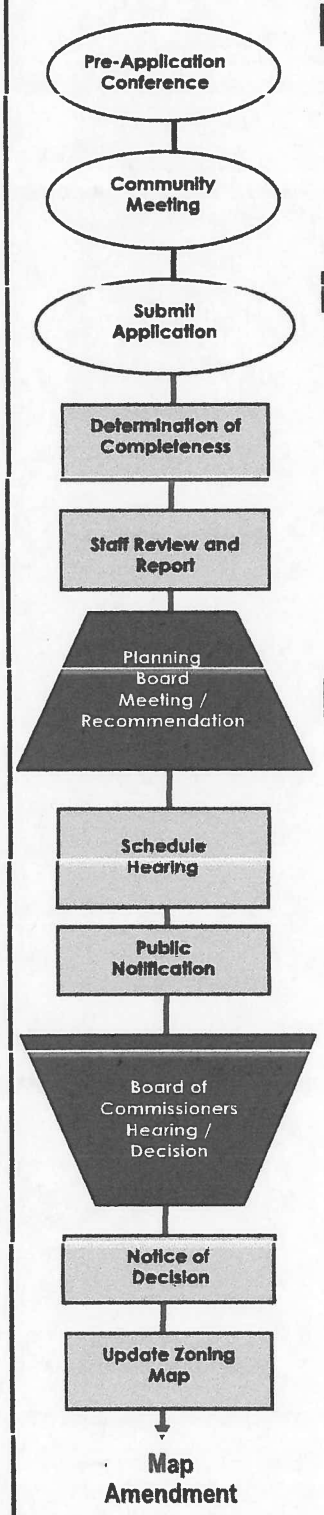
Attachment 7

Photo of Community Meeting Room


EXIT

# Zoning Map Amendment

## Review Process




### Contact Information

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

Phone: 252.232.3055
Fax: 252.232.3026

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

### Step 1: Pre-application Conference

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

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

### Step 2: Community Meeting (only when more intense base zoning district is proposed)

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

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

The community meeting shall comply with the following procedures:

- **Time and Place**
  - The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the proposed zoning map amendment application.
- **Notification**
  - Mailed Notice
    - The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Planning Director and to:
      i. All owners of the land subject to the application;
      ii. All owners of land within 200 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
      iii. Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.



Attachment: 3 Zoning Map Amendment Application (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

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

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

## Step 3: Application Submittal and Acceptance

The applicant must submit a complete application packet on or before the application submittal date. Zoning map amendment applications may be initiated by the Board of Commissioners, Planning Board, the Planning Director, or other party with recognized property interest. A complete application packet consists of the following:

- Completed Currituck County Zoning Map Amendment Application.
- Application Fee ($200 plus $5 for each acre)
- Written Summary of Community Meeting, if applicable.
- A site plan or map drawn to scale that includes the following, unless otherwise waived by the administrator:
  - Lot/parcel dimensions;
  - Zoning designation;
  - All existing physical features (structures, buildings, streets, roads, etc.); and,
  - Location and dimensions of any proposed construction.
- A copy of the metes and bounds of the proposed area to be rezoned [if the request does not include entire parcel(s)].
- Number of Copies Submitted:
  - 2 Copies of plans or maps
  - 2 Hard copies of ALL documents
  - 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents

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



Attachment: 3 Zoning Map Amendment Application (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

## Step 4: Staff Review and Action

Once an application is determined complete, it will be distributed to the appropriate staff for review. Staff shall review the application, prepare a staff report, and provide a recommendation on the application. The report will also include any outstanding concerns with the application.

## Step 5: Advisory Body Review and Recommendation

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

## Step 6: Public Hearing Scheduling and Public Notification

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

The application shall meet the following public notification requirements:

- **Published Notice**
  Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.
- **Mailed Notice**
  Staff shall be responsible for preparing and mailing a written notice between 10 and 25 days before the public hearing. Notice shall be mailed to:
  - All owners of the land subject to the application;
  - The applicant, if different from the land owner;
  - All owners of land within 200 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
  - Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.

  Mailed Notice shall not be required when a zoning map amendment includes more than 50 lots or tracts, owned by at least 50 different landowners, provided the county publishes a map (occupying at least one-half of a newspaper of general circulation once a week for two successive calendar weeks, with the first notice published not less than ten days nor more than 25 days before the date fixed for a public hearing. Affected land owners residing outside the newspaper circulation are shall be notified via first class mail.
- **Posted Notice**
  At least 10 days before the public hearing, posted notice shall be made by staff. A sign shall be placed in a conspicuous location as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

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

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



Attachment: 3 Zoning Map Amendment Application (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

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

- Approval of the map amendment as submitted;
- Approval of the map amendment with a reduction in the area proposed to be rezoned;
- Approval of a map amendment to more restricted base zoning district; or
- Denial of the map amendment application.

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

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



Attachment: 3 Zoning Map Amendment Application (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

# Zoning Map Amendment
## Application

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

### Contact Information

**APPLICANT:**
Name: Jerry L. Old & Don S. Williams, Sr.
Address: PO Box 310
Moyock, NC 27958
Telephone: _____
E-Mail Address: _____

**PROPERTY OWNER:**
Name: Jerry L. Old & Don S. Williams, Sr.
Address: PO Box 310
Moyock, NC 27958
Telephone: _____
E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

### Property Information

Physical Street Address: Caratoke Hwy
Location: ±1,200 ft. NW of the interesection of Beechwood Shores Dr. & Caratoke Hwy.
Parcel Identification Number(s): 003100064N0000
Total Parcel(s) Acreage: 57.95
Existing Land Use of Property: Vacant / Agricultural

### Request

Current Zoning of Property: AG & GB
Proposed Zoning District: AG & GB
Total Acreage for Rezoning: 7.7 Acres
Are you rezoning the entire parcel(s): Yes (No)
Metes and Bounds Description Provided: (Yes) No

### Community Meeting, if Applicable

Date Meeting Held: 07/23/2018
Meeting Location: Moyock Public Library

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.

_____ 9/24/18
Property Owner(s)/Applicant* 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.**



Attachment: 3 Zoning Map Amendment Application (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

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: Ferebee Acres Rezone

Applicant/Property Owner: Jerry L. Old & Don S. Williams, Sr.

| 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**

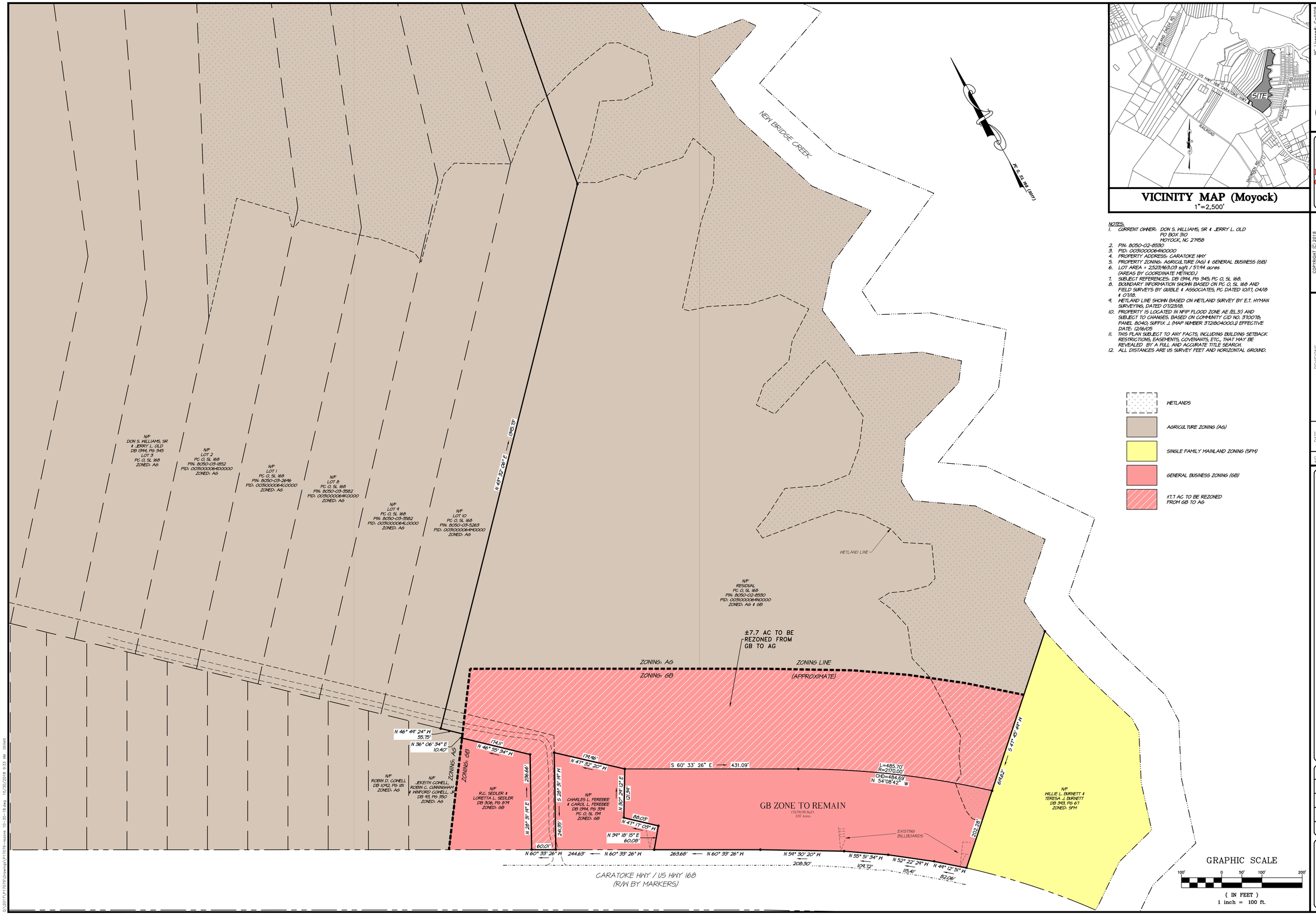
_____

_____

_____



Attachment: 3 Zoning Map Amendment Application (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)







**VICINITY MAP (Moyock)**
1"=2,500'

NOTES:
1. CURRENT OWNER: DON S. WILLIAMS, SR & JERRY L. OLD
   PO BOX 310
   MOYOCK, NC 27958
2. PIN: 8050-02-8530
3. PID: 0031000064N00000
4. PROPERTY ADDRESS: CARATOKE HWY
5. PROPERTY ZONING: AGRICULTURE (AG) & GENERAL BUSINESS (GB)
6. LOT AREA = 2523963.03 sqft / 57.94 acres (AREAS BY COORDINATE METHOD.)
7. SUBJECT REFERENCES: DB 1944, PG 345; PC O, SL 168.
8. BOUNDARY INFORMATION SHOWN BASED ON PC O, SL 168 AND FIELD SURVEYS BY QUIBLE & ASSOCIATES, PC DATED 10/17, 04/18 & 07/18.
9. WETLAND LINE SHOWN BASED ON WETLAND SURVEY BY E.T. HYMAN SURVEYING, DATED 07/23/18.
10. PROPERTY IS LOCATED IN NFIP FLOOD ZONE AE (EL 5') AND SUBJECT TO CHANGES, BASED ON COMMUNITY CID NO. 370078; PANEL 8040; SUFFIX J, (MAP NUMBER 3712804000J) EFFECTIVE DATE: 12/16/05.
11. THIS PLAN SUBJECT TO ANY FACTS, INCLUDING BUILDING SETBACK RESTRICTIONS, EASEMENTS, COVENANTS, ETC., THAT MAY BE REVEALED BY A FULL AND ACCURATE TITLE SEARCH.
12. ALL DISTANCES ARE US SURVEY FEET AND HORIZONTAL GROUND.

WETLANDS
AGRICULTURE ZONING (AG)
SINGLE FAMILY MAINLAND ZONING (SFM)
GENERAL BUSINESS ZONING (GB)
±7.7 AC TO BE REZONED FROM GB TO AG

GRAPHIC SCALE
100' 0 50' 100' 200'
( IN FEET )
1 inch = 100 ft.

Quible & Associates, P.C.
ENGINEERING** * CONSULTING * PLANNING
ENVIRONMENTAL SCIENCES * SURVEYING**
**NOT FOR CONSTRUCTION PURPOSES * ALL PROJECTS*
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BLACK MOUNTAIN, NC 28711
Phone: (828) 357-3536
Fax: (252) 491-8146
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POWELLS POINT, NC 27966
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PRELIMINARY PLAT-NOT FOR RECORDATION, CONVEYANCES OR SALES
CERTIFICATION

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| NO. | DATE | REVISIONS |
|---|---|---|
| | | |

# ZONING MAP EXHIBIT

## RESIDUAL PARCEL (FEREBEE ACRES)
## PID: 0031000064N00000

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

COMMISSION NO. P17079
DESIGNED BY DLT/JMH
DRAWN BY DLT/JMH
CHECKED BY DLT
ISSUE DATE 10/30/18

SHEET NO. 1 OF 1 SHEETS

Attachment: 4 Proposed Zoning Map Amendment (PB 18-25 Jerry L. Old & Don S. Williams, Sr. (Ferebee Acres) Zoning Map Amendment)

G:\2017\P17079\Drawings\P17079 rezone 10-30-18.dwg 10/30/2018 9:33 AM dtown

# Currituck County
## Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2323)

**Agenda Item Title**

PB 08-48 Cape Currituck (Horgan/Mason):

**Brief Description of Agenda Item:**

PB 08-48 Cape Currituck (Horgan/Mason): Amended Conditional District-Planned Unit Development Zoning Overlay to decrease the number of dwelling units/density, canal realignment, reduce wetland fill, and reorient development layout on property located at 291 West Side Lane, Powells Point, Poplar Branch Township, Parcel Identification Numbers 0112-000-003B-0000 and 0112-000-003C-0000.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Cheri Elliott, Assistant

**Presenter of Agenda Item**

Tammy Glave

# STAFF REPORT
# PB 08-48 CAPE CURRITUCK
# PLANNING BOARD
## NOVEMBER 13, 2018

| APPLICATION SUMMARY | |
|---|---|
| **Property Owner:**<br>Denny Horgan and Donna Mason<br>291 West Side Lane<br>Powells Point NC 27966 | **Applicant:**<br>Denny Horgan and Donna Mason<br>291 West Side Lane<br>Powells Point NC 27966 |
| **Case Number:** PB 08-48 | **Application Type:** Amended Conditional District - Planned Unit Development Zoning Overlay |
| **Parcel Identification Numbers:**<br>0112-000-003B-0000, 0112-000-003C-0000 | **Existing Use:** Single-Family Dwelling, Agricultural |
| **Land Use Plan Classification:** Full Service and Conservation | **Parcel Size (Acres):** 120.15 |
| **Zoning History:** A (1989) rezoned to CD-PUD (2008) | **Access:** West Side Lane (SR 1112) |
| **Utilities:** County Water/Private WWTP | **Stormwater:** Multiple manmade wetland pockets, wet detention basins, and permeable pavement throughout the development |
| **Plan Request:** Decrease the number of dwelling units/density, canal realignment, reduce wetland fill, and reorient types of dwelling units to improve transition from this development to Kilmarlic Subdivision single-family dwelling lots. | |

## STAFF ANALYSIS

The Board of Commissioners approved a conditional rezoning request (A to CD-PUD Overlay) in 2008 for this property. The CD-PUD Overlay included 237 mixed residential units, a small commercial hub, boat marina, public boat ramp, and associated infrastructure improvements. During the permitting process, the applicant was notified that the proposed waterway connection to the Albemarle Sound was not a desired alignment by State and Federal agencies. Based on that feedback, the master plan has been redesigned to reflect a new access to the sound and a new project layout. Due to the time between the previous approval and the current revised master plan, wetlands were reassessed with the appropriate State and Federal agencies. Changes to the wetland boundaries significantly impacted the uplands available for development and required an overall decrease in the number of units in the previously approved plan.

The proposed amended plan includes a total of 160 mixed residential units with a residential density of 1.33 dwelling units per acre. The project also has neighborhood serving retail uses, a restaurant, traditional uses associated with a full-service marina, and associated infrastructure that includes a small, wastewater treatment plant that serves the project. The development is predicated on a public access marina, including boat ramp, with a realigned access canal to the Albemarle Sound. The project is positioned to take boat traffic from the Intracoastal Waterway (ICW) which traverses just



Attachment: 1 Cape Currituck ACZ Staff Report ! (PB 08-48 Cape Currituck (Horgan/Mason):)

offshore from the proposed project. The marina will provide approximately 208 boat slips for use by the general public, visitors, and ICW traffic.
The approved master plan included approximately 2.7 acres of wetland fill. Because of the reduction in density and site redesign, the propose wetland fill impact for upland development is 0.48 acres which includes filling for road crossings. Wetland fill will be permitted and mitigated through the appropriate State and Federal agencies. The amended plan also includes a better transition from Kilmarlic Subdivision by placing the single-family condo style housing units closes to that neighborhood. Lot 175 within Kilmarlic Club Phase II is the only lot that directly abuts the proposed planned development. At this location, all buildings have been placed approximately 45 feet from the residential property line. A minimum 10 feet wide vegetated buffer will be provided along the adjacent properties zoned residential. All commercial development has been centralized within the community and will not be adjacent to the existing residential development.

The previously approved plan showed no permanent structures built within 100' of the mean high water mark. The proposed plan reduces that setback to 30' which matches the UDO 30' required riparian buffer. The previous plan required waterfront property within 100' of mean high water mark to remain in common open space. The proposed plan reduces that open space measurement to 30' of the normal water level. This is consistent with the UDO requirement that riparian buffers remain as open space.

Community concern has been expressed regarding West Side Lane (SR 1112) being used to access the development. West Side Lane is an NCDOT maintained road and NCDOT expressed no concern for the increased traffic on West Side Lane during their review process. Internal pedestrian circulation will be provided throughout the development and to all commercial areas. Golf cart and bicycle parking will be provided at the proposed commercial hub to encourage alternative transportation methods.

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

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

1. Staff is concerned with the maneuverability of vehicles pulling boat trailers (turning radius) at the public boat ramp, lack of vehicle hauling boat trailer parking at the ramp, and the distance from the ramp to the boat trailer parking lot. (Planning) UPDATE FROM APPLICANT: *The drive aisles within the boat ramp parking lot are currently 32'-35' wide to allow for a boat maneuvering and access. AutoTURN has been run using a vehicle length of 19' and boat length of 32' (with an anticipated 11' wheel base). The steering lock angle was assumed at 31.6 degrees. Based on the results of the AutoTURN, simulation areas of the site have been widened and radii enlarged as necessary. Boat and trailer parking remains proposed adjacent to the proposed wastewater treatment plant.* STAFF NOTE: Staff is satisfied with the maneuverability of the vehicles pulling boat trailers at the public boat ramp. Staff remains concerned regarding the distance from the boat ramp to the vehicle/boat parking area (approximately four-tenths of a mile).
2. A CAMA Major Permit will be required for project development. For permitting assistance, please contact Ron Renaldi, DCM Field Representative at 252-264-3901. (CAMA) UPDATE FROM APPLICANT: *Acknowledged. A CAMA Major Permit is being prepared and will be submitted for review prior to the anticipated Board of Commissioners meeting date of December 3, 2018.*
3. Page 3 of the Site Narrative indicates that the proposed subdivision is predicated on a marina being constructed that offers a connection to the Albemarle Sound, however Page 8 indicates



Attachment: 1 Cape Currituck ACZ Staff Report ! (PB 08-48 Cape Currituck (Horgan/Mason):)

that permitting for the marina will occur in Phase 2---after 43 units and associated improvements for those units are installed in Phase 1. It is recommended that permitting for the marina occur in Phase 1. (CAMA) UPDATE FROM APPLICANT: *Acknowledged.*

| SURROUNDING PARCELS | | |
|---|---|---|
| | **Land Use** | **Zoning** |
| North | Undeveloped | AG |
| South | Albemarle Sound | n/a |
| East | Kilmarlic Subdivision/Undeveloped | SFM/AG |
| West | Undeveloped | AG |

| LAND USE PLAN | |
|---|---|
| **The 2006 Land Use Plan classifies this site as Full Service and Conservation within the subarea. The policy emphasis for the Point Harbor subarea is to allow this area to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and the natural features that make the area so attractive. Vegetative buffers should be required/maintained along shorelines to preserve public access and open space at the waters edge and to protect water quality in the sound. The proposed plan is in keeping with the policies of the plan, some of which are:** | |
| 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. |
| Policy PA1 | Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County. |
| Policy PA5 | PUBLIC AND PRIVATE MARINAS offering access to area waters should be encouraged when developed in accordance with the CAMA specific use standards for marinas (i.e. docks for more than 10 vessels). Marinas shall not be approved, however, that are incompatible with nearby land uses or whose designs fail to meet the environmental quality and development standards of the County's Unified Development Ordinance. |
| 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. |
| Policy WQ6 | Currituck County supports the retention or preservation of VEGETATED BUFFERS along the edge of drainage ways, streams and other components of the estuarine system as an effective, low cost means of protecting water quality. |
| Policy ML3 | The interests of Mainland Area residents in having ACCESS TO THE AREA'S OCEAN AND ESTUARINE WATERS shall be fostered through County actions to increase the number of additional public access sites at a rate commensurate with the population growth of the Currituck County. Included in the actions taken to increase public access shall be a consideration given to transportation needs, including boat docks and ferry services. |

Attachment: 1 Cape Currituck ACZ Staff Report ! (PB 08-48 Cape Currituck (Horgan/Mason):)

| | |
|---|---|
| Policy ES2 | NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. |
| Policy WQ5 | Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. COASTAL AND NON-COASTAL WETLANDS shall not be considered part of a lot's acreage for the purpose of determining minimum lot size or development density. |

## CONSISTENCY STATEMENT

**This amended CD - Planned Unit Development Zoning request is consistent with the goals, objectives, and policies of the Land Use Plan, is compatible with existing and proposed uses surrounding the land subject to the application, and is an appropriate zoning district and use for the land.**

## CONDITIONS OF APPROVAL

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

### Agreed upon conditions of approval:

Staff recommends that the conditions approved in 2008 remain in effect with the following revisions:

Uses

1. Limited to mixed residential uses, neighborhood serving retail uses, restaurants, and those traditional uses associated with a marina, and other items contained in the Currituck Marina Conceptual Plan.
2. Maximum gross residential density shall not exceed 2.0 dwelling units per acre.
3. No more than 50 residential dwelling units shall receive a certificate of occupancy prior to the public marina being fully permitted and approved by any local, state, and federal regulatory or permitting agency. **The board may wish to discuss revising this number with the applicant since total lot count has dropped from 237 residential dwelling units to 160 residential dwelling units*
4. No more than 100 residential dwelling units shall receive a certificate of occupancy prior to the marina being fully operational and open to the public. **The board may wish to discuss revising this number with the applicant since total lot count has dropped from 237 residential dwelling units to 160 residential dwelling units.*
5. No more than 150 residential dwelling units shall receive a certificate of occupancy prior to the commercial components of the request being approved and fully constructed. **The board may wish to discuss revising this number with the applicant since total lot count has dropped from 237 residential dwelling units to 160 residential dwelling units.*

Transportation

1. Multimodal pathways a minimum of six feet in width shall be provided throughout the development. This shall include interconnected sidewalks, bikeways and natural trails.
2. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways.

Landscaping/Screening

Attachment: 1 Cape Currituck ACZ Staff Report ! (PB 08-48 Cape Currituck (Horgan/Mason):)

1. All inland, non-tidal and coastal wetlands ***not proposed to be filled*** shall remain undisturbed in accordance with the Currituck Marina Conceptual Plan. Delineated CAMA, 404, and 401 wetlands shall be placed in a conservation easement or preservation trust preventing individual ownership or development.
2. There shall be no development, land disturbing ***(other than excavation of access channel, restoration or enhancement of natural ecosystems and management of invasive species)***, or logging activities in areas designated by the 2006 Land Use Plan as Conservation in accordance with the Currituck Marina Conceptual Plan. This shall not preclude elevated walkways, utilities, or other necessary public improvements.
3. A combination of Low Impact Development (LUD) techniques such as cisterns, pervious materials, stormwater rain gardens, and soft stabilization of the marina basin shall be utilized as approved by the County Engineer.
4. Existing mature trees within 300 feet of the mean high water mark or 100 feet of any adjacent property line shall be identified as a tree conservation area and be preserved to the extent practicable.
5. When developing within 300 feet of the shoreline, precedence should be given to "soft" stabilization approaches including but not limited to preservation of existing vegetation, creation of natural, living shorelines for areas needing stabilization, and establishment of vegetative buffers.
6. In commercial areas every parking space shall be entirely located within 120 feet of a landscape island containing a minimum of 2 canopy trees, a minimum of 2 inches in caliper at time of planting. Landscape islands shall be a minimum of 10 feet in width and 400 square feet in size.
7. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided at a rate of 100 square feet for every 2,000 square feet of gross floor area.

Site Design/Architectural

1. The proposed development will be in accordance with the Currituck Marina conceptual site plan dated ***(final plan date)***.
2. Maximum size of an individual commercial building shall not exceed 10,000 square feet of gross floor area.
3. Residential structures shall include vertical and horizontal relief in buildings, including but not limited to façade articulation and other architectural elements that add visual interest; variation in exterior architectural materials or styles; and, inclusion of front porches, projecting bays, or vestibules.
4. Commercial structures, including mixed use structures, shall be subject to the following requirements:
    a. Building facades shall incorporate the traditional architectural style or vernacular of the general area.
    b. Large expanses of blank walls shall be avoided. Facades shall incorporate architectural elements that add visual interest, including but not limited to variation in exterior materials; functioning windows and doorways; and, projecting elements such as eaves, cornices, canopies, bays, shadow lines, overhangs, porticos and colonnades.
    c. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent material or on elevations not visible from a right-of-way or area designated for residential uses.

Water Access

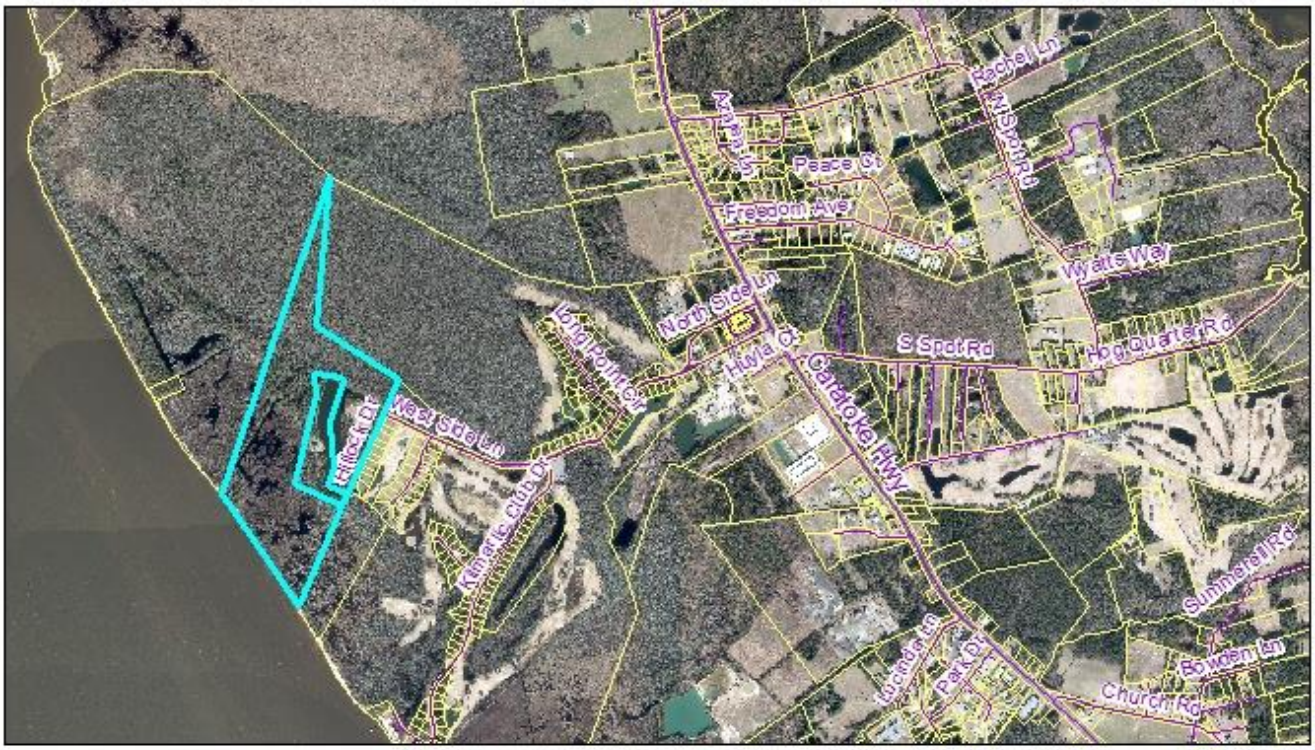
1. Public access to the waterfront and Albemarle Sound shall be required and include at a minimum a marina, public boat launching and parking, and multimodal pathways.
2. The marina shall include docking for a minimum of ten vessels.
3. The marina shall participate and become a Certified Clean Marina in the North Carolina Clean Marina program.
4. No permanent structures shall be built within ~~***100***~~ ***30*** feet of the ~~***mean high water mark***~~ ***normal water level***, or on or over a pier.
5. Waterfront property within ~~***100***~~ ***30*** feet of the ~~***mean high water mark***~~ ***normal water*** level shall remain in common open space.

Attachment: 1 Cape Currituck ACZ Staff Report ! (PB 08-48 Cape Currituck (Horgan/Mason):)

Suggested condition of approval:

1. That the truck with trailer parking be moved closer to the public boat ramp, a method of transportation be provided to get visitors the approximate four-tenths of a mile from the truck with trailer parking lot to the board ramp, or a clearly visible pedestrian pathway be delineated from the truck with trailer parking lot to the boat ramp.

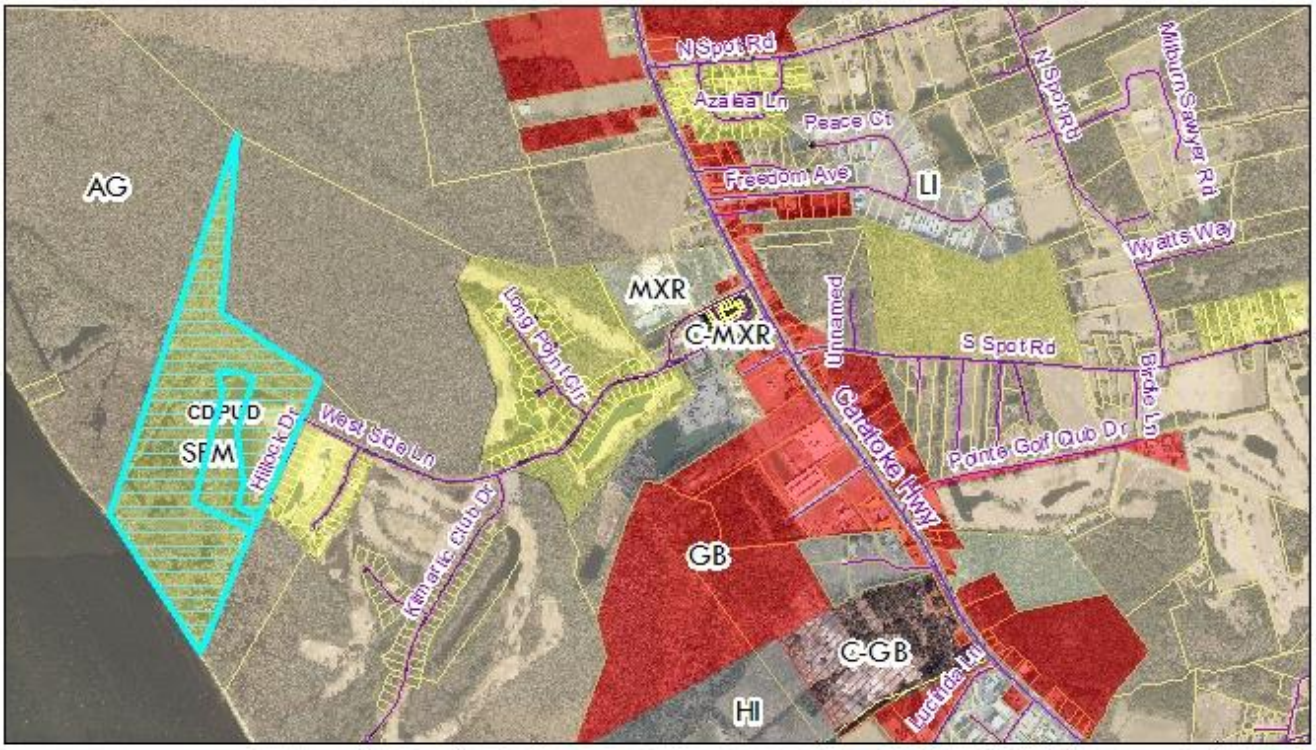
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/planning-board-minutes-current.cfm




PB 08-48 Cape Currituck
Amended CD-PUD Zoning
2016 Aerial Photography

Currituck County
Planning and
Community Development

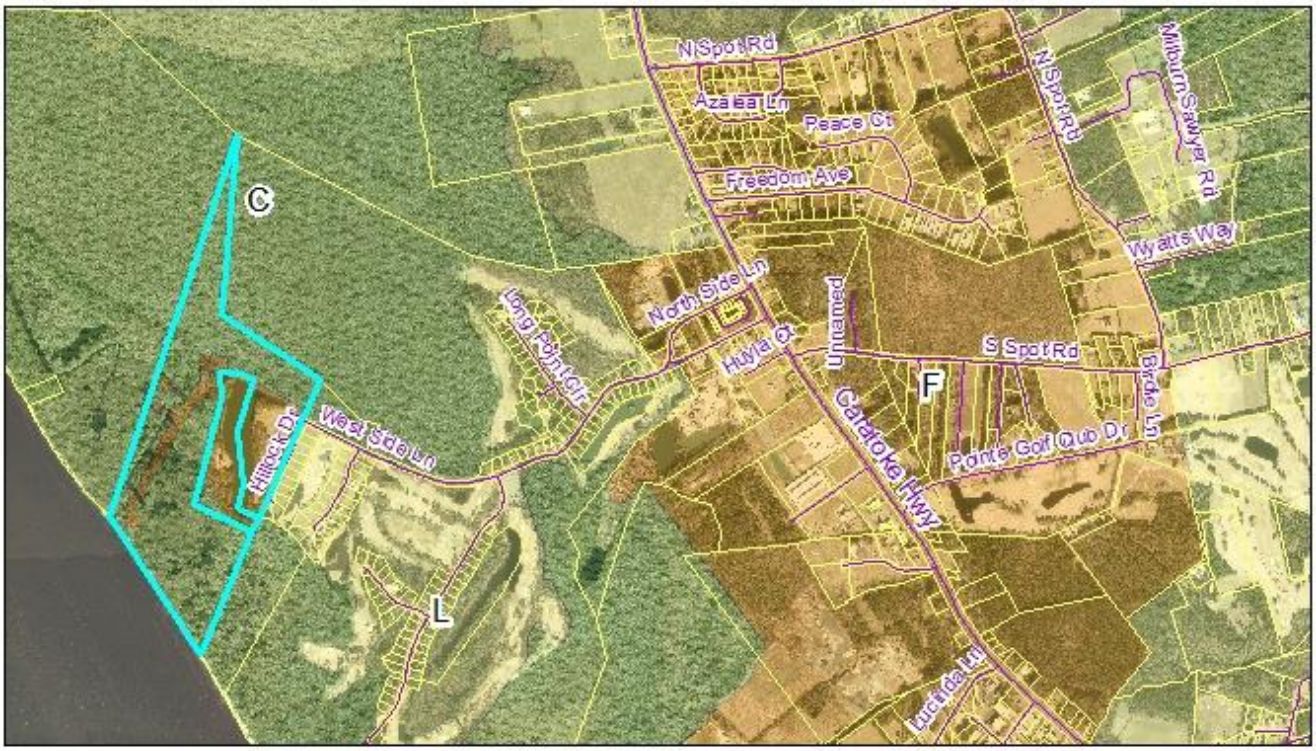
Attachment: 1 Cape Currituck ACZ Staff Report ! (PB 08-48 Cape Currituck (Horgan/Mason):)




PB 08-48 Cape Currituck
Amended CD-PUD Zoning
Zoning

0 600 1,200 2,400 Feet

Currituck County
Planning and
Community Development



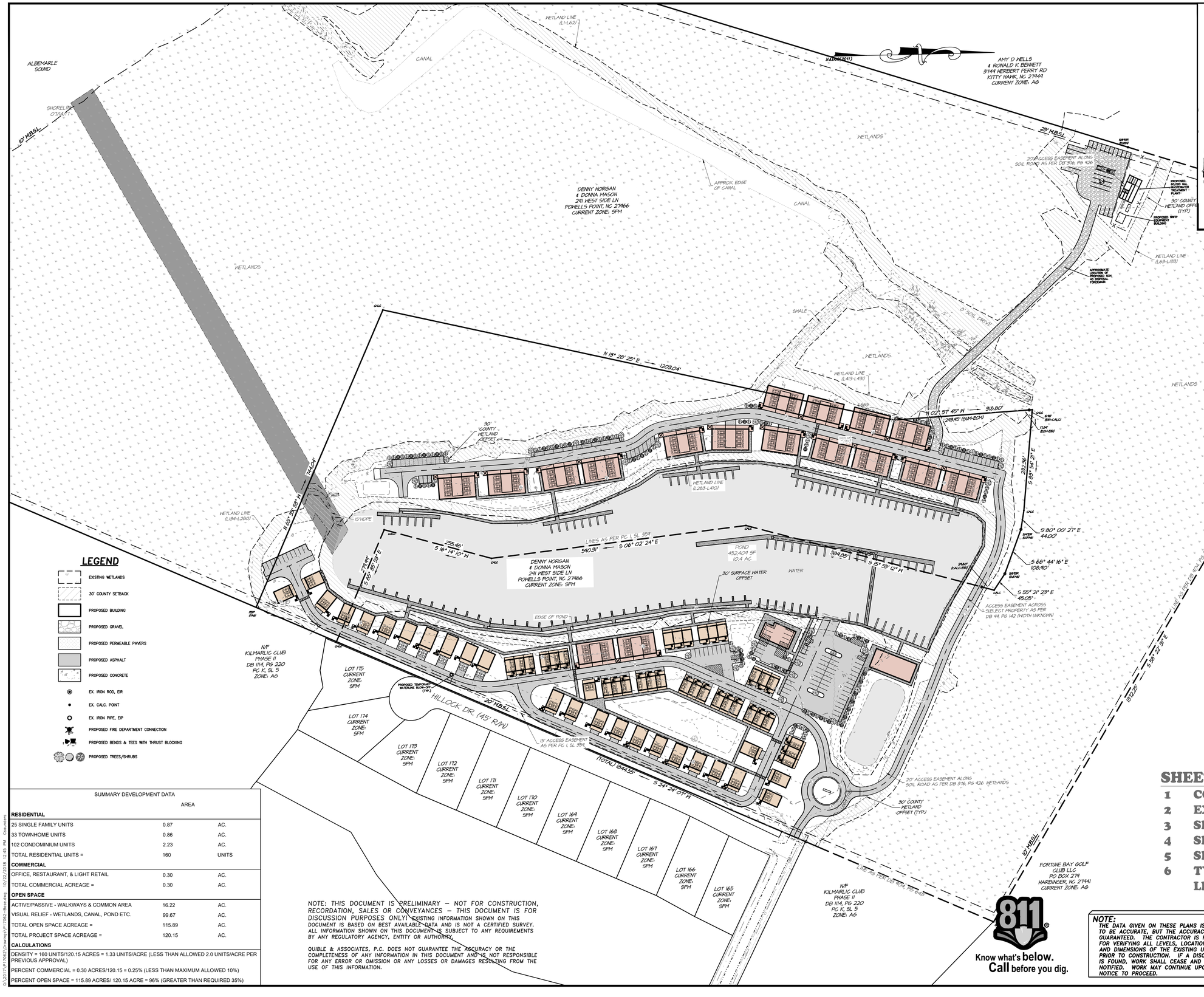

PB 08-48 Cape Currituck
Amended CD-PUD Zoning
LUP Classification

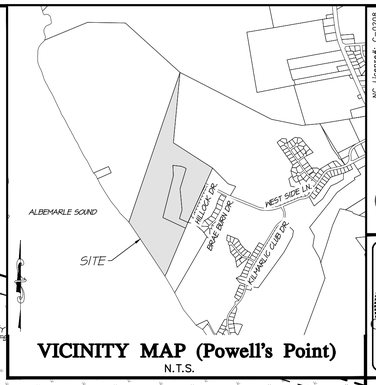
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Currituck County
Planning and
Community Development



Attachment: 1 Cape Currituck ACZ Staff Report ! (PB 08-48 Cape Currituck (Horgan/Mason):)




**VICINITY MAP (Powell's Point)**
N.T.S.

## NOTES

1. OWNER/APPLICANT: DENNY HORGAN & DONNA MASON
   291 WEST SIDE LANE
   POWELLS POINT, NC 27966
2. ENGINEER: QUIBLE & ASSOCIATES, P.C.
   P.O. DRAWER 870
   KITTY HAWK, NC
   TEL: (252) 491-8147
3. PROPERTY INFO: ADDRESS: WEST SIDE LANE
   PIN: 9827-86-9588 (PARCEL A),
   9827-96-2401 (PARCEL B)
   PID: 011200000300000 (PARCEL A),
   011200000380000 (PARCEL B)
4. SUBJECT REFERENCES: D.B. 904, PG. 648; PC I, SL 359
5. ZONE: SFM WITH APPROVED CONDITIONAL DISTRICT – PLANNED UNIT DEVELOPMENT OVERLAY ZONE (CD-PUD) (11/18/2008)
6. TOTAL PARCEL AREA = 5,233,637.63 SQ. FT./120.15 ACRES
   UPLANDS = 891,901.43 SQ.FT./ 20.48 ACRES
   WETLANDS = 4,341,736.20 SQ. FT./99.67 ACRES (INCLUDES 10.4 ACRES OF MANMADE BORROW PIT/POND)
   (AREAS BY COORDINATE METHOD)
7. APPROXIMATELY 0.48 ACRES OF WETLANDS FILL IS PROPOSED WITH THIS DEVELOPMENT. WETLANDS PERMITTING MUST TAKE PLACE PRIOR TO ANY ONSITE DISTURBANCE.
7. TOPOGRAPHIC INFORMATION BASED ON FIELD SURVEY PERFORMED BY QUIBLE & ASSOCIATES, PC. DATED 7/2017, 11/2017, 12/2017, & 01/2018.
8. FLOOD ZONE: AE (EL. 7') AND SUBJECT TO CHANGES. BASED ON COMMUNITY CID NO. 370078; PANEL 9827; SUFFIX J. (MAP NUMBER 3720982700J) EFFECTIVE DATE: 12/16/05.
9. PLANNING OBJECTIVE: PLANNED DEVELOPMENT COMMUNITY INCLUDING SINGLE AND MULTI-FAMILY DEVELOPMENT ENCOMPASSING A BOAT MARINA, AND SMALL COMMERCIAL DEVELOPMENT HUB. LOW IMPACT DEVELOPMENT METHODS INCLUDING PERMEABLE PAVEMENTS, CONSTRUCTED WETLANDS, AND VEGETATED SWALES WILL BE IMPLEMENTED TO COMPLIMENT THE EXISTING ESTUARINE ENVIRONMENT. AMENITIES WILL INCLUDE PEDESTRIAN FRIENDLY WALKS SURROUNDING THE MARINA AND CONNECTING RESIDENTIAL DEVELOPMENT TO THE PROPOSED PARK AREA.
10. PROPOSED ZERO LOT LINE DEVELOPMENT.
11. MAXIMUM BUILDING HEIGHT = 35'
12. MINIMUM SETBACK FROM AGRICULTURAL = 50.0'
13. MINIMUM SETBACK FROM ADJACENT RESIDENTIAL = 20.0'
14. STORMWATER WILL BE ADDRESSED THROUGH ONSITE CONSTRUCTED WETLANDS AND WET DETENTION BASINS. A STATE HIGH DENSITY STORMWATER PERMIT MUST BE OBTAINED PRIOR TO CONSTRUCTION.
15. WATER WILL BE PROVIDED VIA CURRITUCK COUNTY EXISTING SYSTEM. CONNECTION AND WATER MAIN EXTENSION ARE PROPOSED WITHIN WEST SIDE LANE.
16. WASTEWATER IS PROPOSED TO BE TREATED VIA ONSITE WWTP. WWTP DISPOSAL IS TO BE PLACED OFFSITE.
17. ALL SINGLE FAMILY AND TOWN HOMES ARE TO UTILIZE ROLL-OUT REFUSE CONTAINERS. CONDOMINIUMS AND COMMERCIAL DEVELOPMENT WILL UTILIZE THE ONSITE CENTRALIZED DUMPSTER FOR WASTE REFUSE.
18. THE ENTIRE SITE SHALL BE IN FULL COMPLIANCE WITH ALL APPLICABLE NFPA REGULATIONS PERTAINING TO FIRE PROTECTION AND THE NC STATE BUILDING CODE.
26. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE DRAWINGS, APPLICABLE CURRITUCK COUNTY CODES AND ORDINANCES, AND NCDEQ DIVISION OF WATER QUALITY REGULATIONS.

## LEGEND

- EXISTING WETLANDS
- 30' COUNTY SETBACK
- PROPOSED BUILDING
- PROPOSED GRAVEL
- PROPOSED PERMEABLE PAVERS
- PROPOSED ASPHALT
- PROPOSED CONCRETE
- EX. IRON ROD, EIR
- EX. CALC. POINT
- EX. IRON PIPE, EIP
- PROPOSED FIRE DEPARTMENT CONNECTION
- PROPOSED BENDS & TEES WITH THRUST BLOCKING
- PROPOSED TREES/SHRUBS

SUMMARY DEVELOPMENT DATA

| | AREA | |
|---|---|---|
| **RESIDENTIAL** | | |
| 25 SINGLE FAMILY UNITS | 0.87 | AC. |
| 33 TOWNHOME UNITS | 0.86 | AC. |
| 102 CONDOMINIUM UNITS | 2.23 | AC. |
| TOTAL RESIDENTIAL UNITS = | 160 | UNITS |
| **COMMERCIAL** | | |
| OFFICE, RESTAURANT, & LIGHT RETAIL | 0.30 | AC. |
| TOTAL COMMERCIAL ACREAGE = | 0.30 | AC. |
| **OPEN SPACE** | | |
| ACTIVE/PASSIVE - WALKWAYS & COMMON AREA | 16.22 | AC. |
| VISUAL RELIEF - WETLANDS, CANAL, POND ETC. | 99.67 | AC. |
| TOTAL OPEN SPACE ACREAGE = | 115.89 | AC. |
| TOTAL PROJECT SPACE ACREAGE = | 120.15 | AC. |
| **CALCULATIONS** | | |
| DENSITY = 160 UNITS/120.15 ACRES = 1.33 UNITS/ACRE (LESS THAN ALLOWED 2.0 UNITS/ACRE PER PREVIOUS APPROVAL) | | |
| PERCENT COMMERCIAL = 0.30 ACRES/120.15 = 0.25% (LESS THAN MAXIMUM ALLOWED 10%) | | |
| PERCENT OPEN SPACE = 115.89 ACRES/ 120.15 ACRE = 96% (GREATER THAN REQUIRED 35%) | | |

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GRAPHIC SCALE
100' 0 50' 100' 200'
( IN FEET )
1 inch = 100 ft.

## SHEET INDEX


1 COVER SHEET
2 EXISTING CONDITIONS
3 SITE PLAN - PHASE 1
4 SITE PLAN - PHASE 2
5 SITE PLAN - PHASE 3
6 TYPICAL CONDOMINIUM LOT
LINE PARCELS


Quible & Associates, P.C.
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ENVIRONMENTAL SCIENCES * SURVEYING**
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Fax: (252) 491-8146
admin@quible.com
P.O. CHURCH STREET, SUITE B
BLACK MOUNTAIN, NC 28711
Phone: (828) 669-8745
admin@quible.com

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 049707 MATTHEW W. SMITH
PRELIMINARY NOT FOR CONSTRUCTION
CERTIFICATION

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| NO. | DATE | REVISIONS |
|---|---|---|
| 1 | 10/22/2018 | PER TRC COMMENTS |

# COVER SHEET

# CAPE CURRITUCK
## 291 WEST SIDE LANE

NORTH CAROLINA
CURRITUCK COUNTY
POWELLS POINT

| | |
|---|---|
| COMMISSION NO. | P17062 |
| DESIGNED BY | CMS |
| DRAWN BY | CMS/DAC |
| CHECKED BY | MWS |
| ISSUE DATE | 9/26/18 |

SHEET NO. 1 OF 6 SHEETS

Attachment: 2 Revised Plan (PB 08-48 Cape Currituck (Horgan/Mason))

## NOTES

1. OWNER/APPLICANT: DENNY HORGAN & DONNA MASON
   291 WEST SIDE LANE
   POWELLS POINT, NC 27966
2. ENGINEER: QUIBLE & ASSOCIATES, P.C.
   P.O. DRAWER 870
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   TEL: (252) 491-8147
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POTENTIAL SEQUENCE OF PERMITTING/CONSTRUCTION:

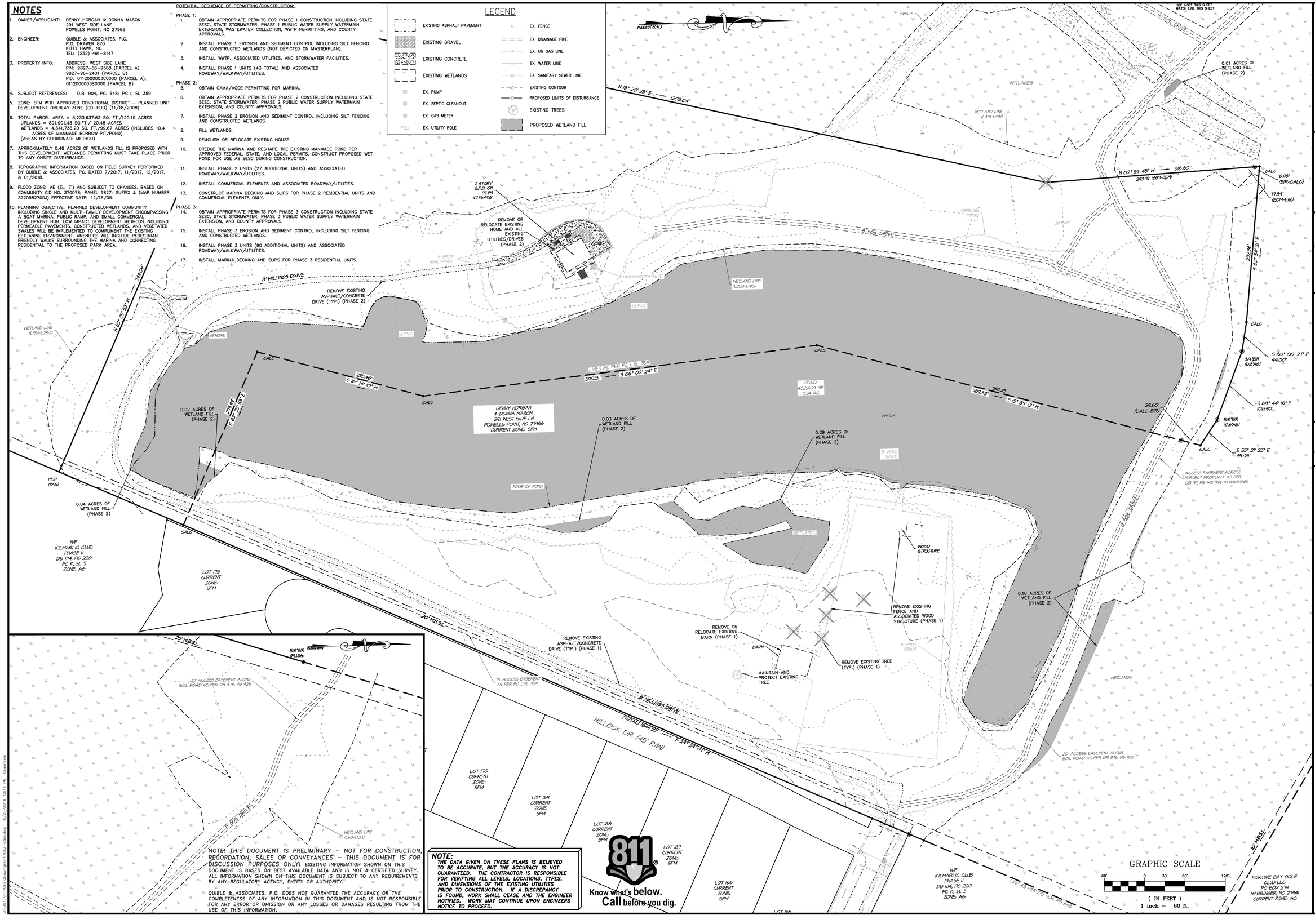
PHASE 1:
1. OBTAIN APPROPRIATE PERMITS FOR PHASE 1 CONSTRUCTION INCLUDING STATE SESC, STATE STORMWATER, PHASE 1 PUBLIC WATER SUPPLY WATERMAIN EXTENSION, WASTEWATER COLLECTION, WWTP PERMITTING, AND COUNTY APPROVALS.
2. INSTALL PHASE 1 EROSION AND SEDIMENT CONTROL INCLUDING SILT FENCING AND CONSTRUCTED WETLANDS (NOT DEPICTED ON MASTERPLAN).
3. INSTALL WWTP, ASSOCIATED UTILITIES, AND STORMWATER FACILITIES.
4. INSTALL PHASE 1 UNITS (43 TOTAL) AND ASSOCIATED ROADWAY/WALKWAY/UTILITIES.

PHASE 2:
5. OBTAIN CAMA/ACOE PERMITTING FOR MARINA.
6. OBTAIN APPROPRIATE PERMITS FOR PHASE 2 CONSTRUCTION INCLUDING STATE SESC, STATE STORMWATER, PHASE 2 PUBLIC WATER SUPPLY WATERMAIN EXTENSION, AND COUNTY APPROVALS.
7. INSTALL PHASE 2 EROSION AND SEDIMENT CONTROL INCLUDING SILT FENCING AND CONSTRUCTED WETLANDS.
8. FILL WETLANDS.
9. DEMOLISH OR RELOCATE EXISTING HOUSE.
10. DREDGE THE MARINA AND RESHAPE THE EXISTING MANMADE POND PER APPROVED FEDERAL, STATE, AND LOCAL PERMITS. CONSTRUCT PROPOSED WET POND FOR USE AS SESC DURING CONSTRUCTION.
11. INSTALL PHASE 2 UNITS (27 ADDITIONAL UNITS) AND ASSOCIATED ROADWAY/WALKWAY/UTILITIES.
12. INSTALL COMMERCIAL ELEMENTS AND ASSOCIATED ROADWAY/UTILITIES.
13. CONSTRUCT MARINA DECKING AND SLIPS FOR PHASE 2 RESIDENTIAL UNITS AND COMMERCIAL ELEMENTS ONLY.

PHASE 3:
14. OBTAIN APPROPRIATE PERMITS FOR PHASE 3 CONSTRUCTION INCLUDING STATE SESC, STATE STORMWATER, PHASE 3 PUBLIC WATER SUPPLY WATERMAIN EXTENSION, AND COUNTY APPROVALS.
15. INSTALL PHASE 3 EROSION AND SEDIMENT CONTROL INCLUDING SILT FENCING AND CONSTRUCTED WETLANDS.
16. INSTALL PHASE 3 UNITS (90 ADDITIONAL UNITS) AND ASSOCIATED ROADWAY/WALKWAY/UTILITIES.
17. INSTALL MARINA DECKING AND SLIPS FOR PHASE 3 RESIDENTIAL UNITS.

## LEGEND

- EXISTING ASPHALT PAVEMENT
- EXISTING GRAVEL
- EXISTING CONCRETE
- EXISTING WETLANDS
- EX. PUMP
- EX. SEPTIC CLEANOUT
- EX. GAS METER
- EX. UTILITY POLE
- EX. FENCE
- EX. DRAINAGE PIPE
- EX. UG GAS LINE
- EX. WATER LINE
- EX. SANITARY SEWER LINE
- EXISTING CONTOUR
- PROPOSED LIMITS OF DISTURBANCE
- EXISTING TREES
- PROPOSED WETLAND FILL




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GRAPHIC SCALE
60' 0 30' 60' 120'
( IN FEET )
1 inch = 60 ft.

Quible & Associates, P.C.
NC License# C-0208 SINCE 1959
ENGINEERING** * CONSULTING * PLANNING
ENVIRONMENTAL SCIENCES * SURVEYING**
**NOT PERFORMED ON THIS PROJECT
8466 CARATOKE HWY
POWELLS POINT, NC 27966
P.O. DRAWER 870
BLACK MOUNTAIN, NC 28711
KITTY HAWK, NC 27949
Fax: (252) 491-8146
P.O. BOX 1870
Fax: (252) 491-8146
quible@quible.com
quiblekitty@quible.com

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 035773 CHRISTOPHER M. STOCKTON
CERTIFICATION

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| NO. | DATE | REVISIONS |
|---|---|---|
| 1 | 10/22/2018 | PER TRC COMMENTS |

# EXISTING CONDITIONS/DEMOLITION PLAN

# CAPE CURRITUCK
## 291 WEST SIDE LANE

POWELLS POINT — CURRITUCK COUNTY — NORTH CAROLINA

| | |
|---|---|
| COMMISSION NO. | P17062 |
| DESIGNED BY | CMS |
| DRAWN BY | CMS/DAC |
| CHECKED BY | MWS |
| ISSUE DATE | 9/26/18 |

SHEET NO. 2 OF 6 SHEETS

Attachment: 2 Revised Plan (PB 08-48 Cape Currituck (Horgan/Mason))

## NOTES

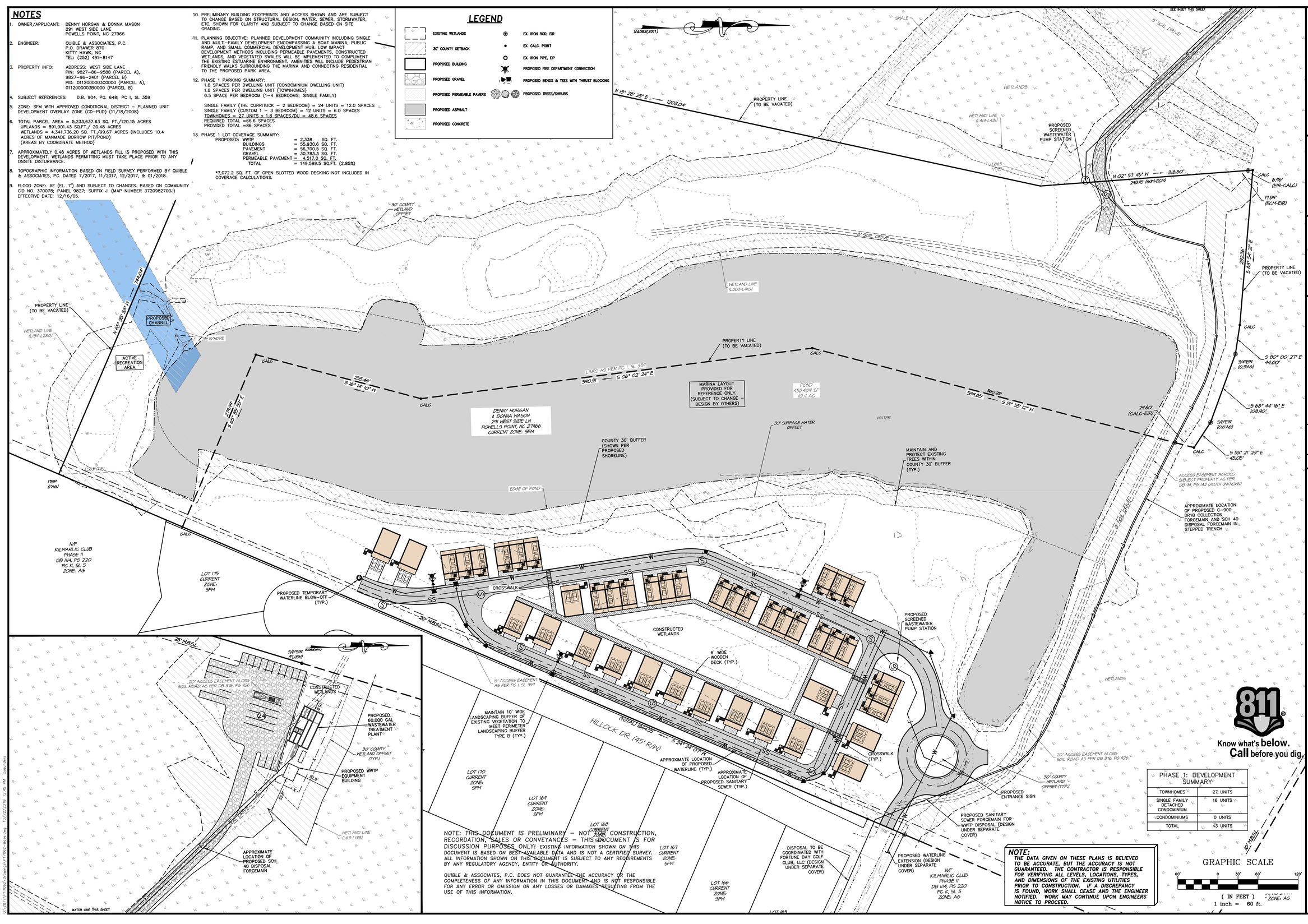
1. OWNER/APPLICANT: DENNY HORGAN & DONNA MASON
   291 WEST SIDE LANE
   POWELLS POINT, NC 27966
2. ENGINEER: QUIBLE & ASSOCIATES, P.C.
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   KITTY HAWK, NC
   TEL: (252) 491-8147
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10. PRELIMINARY BUILDING FOOTPRINTS AND ACCESS SHOWN AND ARE SUBJECT TO CHANGE BASED ON STRUCTURAL DESIGN. WATER, SEWER, STORMWATER, ETC. SHOWN FOR CLARITY AND SUBJECT TO CHANGE BASED ON SITE GRADING.
11. PLANNING OBJECTIVE: PLANNED DEVELOPMENT COMMUNITY INCLUDING SINGLE AND MULTI-FAMILY DEVELOPMENT ENCOMPASSING A BOAT MARINA, PUBLIC RAMP, AND SMALL COMMERCIAL DEVELOPMENT HUB. LOW IMPACT DEVELOPMENT METHODS INCLUDING PERMEABLE PAVEMENTS, CONSTRUCTED WETLANDS, AND VEGETATED SWALES WILL BE IMPLEMENTED TO COMPLIMENT THE EXISTING ESTUARINE ENVIRONMENT. AMENITIES WILL INCLUDE PEDESTRIAN FRIENDLY WALKS SURROUNDING THE MARINA AND CONNECTING RESIDENTIAL TO THE PROPOSED PARK AREA.
12. PHASE 1 PARKING SUMMARY:
    1.8 SPACES PER DWELLING UNIT (CONDOMINIUM DWELLING UNIT)
    1.8 SPACES PER DWELLING UNIT (TOWNHOMES)
    0.5 SPACE PER BEDROOM (1-4 BEDROOMS; SINGLE FAMILY)

    SINGLE FAMILY (THE CURRITUCK – 2 BEDROOM) = 24 UNITS = 12.0 SPACES
    SINGLE FAMILY (CUSTOM 1 – 3 BEDROOM) = 12 UNITS = 6.0 SPACES
    TOWNHOMES = 27 UNITS x 1.8 SPACES/DU = 48.6 SPACES
    REQUIRED TOTAL =66.6 SPACES
    PROVIDED TOTAL =86 SPACES
13. PHASE 1 LOT COVERAGE SUMMARY:
    PROPOSED: WWTP = 2,338 SQ. FT.
    BUILDINGS = 55,930.6 SQ. FT.
    PAVEMENT = 56,700.5 SQ. FT.
    GRAVEL = 30,783.3 SQ. FT.
    PERMEABLE PAVEMENT = 4,517.0 SQ. FT.
    TOTAL = 149,599.5 SQ.FT. (2.85%)

    *7,072.2 SQ. FT. OF OPEN SLOTTED WOOD DECKING NOT INCLUDED IN COVERAGE CALCULATIONS.

## LEGEND

- EXISTING WETLANDS
- 30' COUNTY SETBACK
- PROPOSED BUILDING
- PROPOSED GRAVEL
- PROPOSED PERMEABLE PAVERS
- PROPOSED ASPHALT
- PROPOSED CONCRETE
- EX. IRON ROD, ER
- EX. CALC. POINT
- EX. IRON PIPE, EP
- PROPOSED FIRE DEPARTMENT CONNECTION
- PROPOSED BENDS & TEES WITH THRUST BLOCKING
- PROPOSED TREES/SHRUBS




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| PHASE 1: DEVELOPMENT SUMMARY | |
|---|---|
| TOWNHOMES | 27 UNITS |
| SINGLE FAMILY DETACHED CONDOMINIUM | 16 UNITS |
| CONDOMINIUMS | 0 UNITS |
| TOTAL | 43 UNITS |

**NOTE:**
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GRAPHIC SCALE
60' 0 30' 60' 120'
( IN FEET )
1 inch = 60 ft.

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ENVIRONMENTAL SCIENCES * SURVEYING**
**NOT PERFORMED BY THIS OFFICE
8466 CARATOKE HWY.
POWELLS POINT, NC 27966
P.O. DRAWER 1199
BLACK MOUNTAIN, NC 28711
Fax: (252) 491-8146
Fax: (252) 491-8146
828-669-8165
admin@quible.com

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 040787 CHRISTOPHER M. STOCKTON
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| NO. | DATE | REVISIONS |
|---|---|---|
| 1 | 10/22/2018 | PER TRC COMMENTS |

# SITE - PHASE 1

# CAPE CURRITUCK
## 291 WEST SIDE LANE

CURRITUCK COUNTY NORTH CAROLINA
POWELLS POINT

| | |
|---|---|
| COMMISSION NO. | P17062 |
| DESIGNED BY | CMS |
| DRAWN BY | CMS/DAC |
| CHECKED BY | MWS |
| ISSUE DATE | 9/26/18 |

SHEET NO. 3 OF 6 SHEETS

Attachment: 2 Revised Plan (PB 08-48 Cape Currituck (Horgan/Mason))

## NOTES

1. OWNER/APPLICANT: DENNY HORGAN & DONNA MASON
   291 WEST SIDE LANE
   POWELLS POINT, NC 27966
2. ENGINEER: QUIBLE & ASSOCIATES, P.C.
   P.O. DRAWER 870
   KITTY HAWK, NC
   TEL: (252) 491-8147
3. PROPERTY INFO: ADDRESS: WEST SIDE LANE
   PIN: 9827-86-9588 (PARCEL A),
   9827-96-2401 (PARCEL B)
   PID: 0112000003C0000 (PARCEL A),
   0112000003B0000 (PARCEL B)
4. SUBJECT REFERENCES: D.B. 904, PG. 648; PC I, SL 359
5. ZONE: SFM WITH APPROVED CONDITIONAL DISTRICT – PLANNED UNIT DEVELOPMENT OVERLAY ZONE (CD-PUD) (11/18/2008)
6. TOTAL PARCEL AREA = 5,233,637.63 SQ. FT./120.15 ACRES
   UPLANDS = 891,901.43 SQ.FT./ 20.48 ACRES
   WETLANDS = 4,341,736.20 SQ. FT./99.67 ACRES (INCLUDES 10.4 ACRES OF MANMADE BORROW PIT/POND)
   (AREAS BY COORDINATE METHOD)
7. APPROXIMATELY 0.48 ACRES OF WETLANDS FILL IS PROPOSED WITH THIS DEVELOPMENT. WETLANDS PERMITTING MUST TAKE PLACE PRIOR TO ANY ONSITE DISTURBANCE.
8. TOPOGRAPHIC INFORMATION BASED ON FIELD SURVEY PERFORMED BY QUIBLE & ASSOCIATES, PC. DATED 7/2017, 11/2017, 12/2017, & 01/2018.
9. FLOOD ZONE: AE (EL. 7') AND SUBJECT TO CHANGES. BASED ON COMMUNITY CID NO. 370078; PANEL 9827; SUFFIX J. (MAP NUMBER 3720982700J) EFFECTIVE DATE: 12/16/05.
10. PRELIMINARY BUILDING FOOTPRINTS AND ACCESS SHOWN AND ARE SUBJECT TO CHANGE BASED ON STRUCTURAL DESIGN. WATER, SEWER, STORMWATER, ETC. SHOWN FOR CLARITY AND SUBJECT TO CHANGE BASED ON SITE GRADING.
11. PLANNING OBJECTIVE: PLANNED DEVELOPMENT COMMUNITY INCLUDING SINGLE AND MULTI-FAMILY DEVELOPMENT ENCOMPASSING A BOAT MARINA, PUBLIC RAMP, AND SMALL COMMERCIAL DEVELOPMENT HUB. LOW IMPACT DEVELOPMENT METHODS INCLUDING PERMEABLE PAVEMENTS, CONSTRUCTED WETLANDS, AND VEGETATED SWALES WILL BE IMPLEMENTED TO COMPLIMENT THE EXISTING ESTUARINE ENVIRONMENT. AMENITIES WILL INCLUDE PEDESTRIAN FRIENDLY WALKS SURROUNDING THE MARINA AND CONNECTING RESIDENTIAL TO THE PROPOSED PARK AREA.
12. PHASE 1 & 2 PARKING SUMMARY:
    1.8 SPACES PER DWELLING UNIT (CONDOMINIUM DWELLING UNIT)
    1.8 SPACES PER DWELLING UNIT (TOWNHOMES)
    0.5 SPACE PER BEDROOM (1-4 BEDROOMS; SINGLE FAMILY)
    1 SPACE PER 150 SQ. FT. RESTAURANT
    1 SPACE PER 300 SQ. FT. LIGHT RETAIL
    1 SPACE PER 300 SQ. FT. OFFICE SPACE

    COMMERCIAL
    RESTAURANT = 4,500 SQ. FT. x 1 SPACE/150 SQ. FT. = 30.0 SPACES
    LIGHT RETAIL = 2,000 SQ. FT. x 1 SPACE/300 SQ. FT. = 6.6 SPACES
    OFFICE SPACE = 600 SQ. FT. x 1 SPACE/300 SQ. FT. = 2.0 SPACES
    TOTAL COMMERCIAL REQUIRED = 35.6 SPACES (2 ADA SPACES REQUIRED)
    TOTAL COMMERCIAL PROVIDED = 64.0 SPACES (3 ADA SPACES PROVIDED)

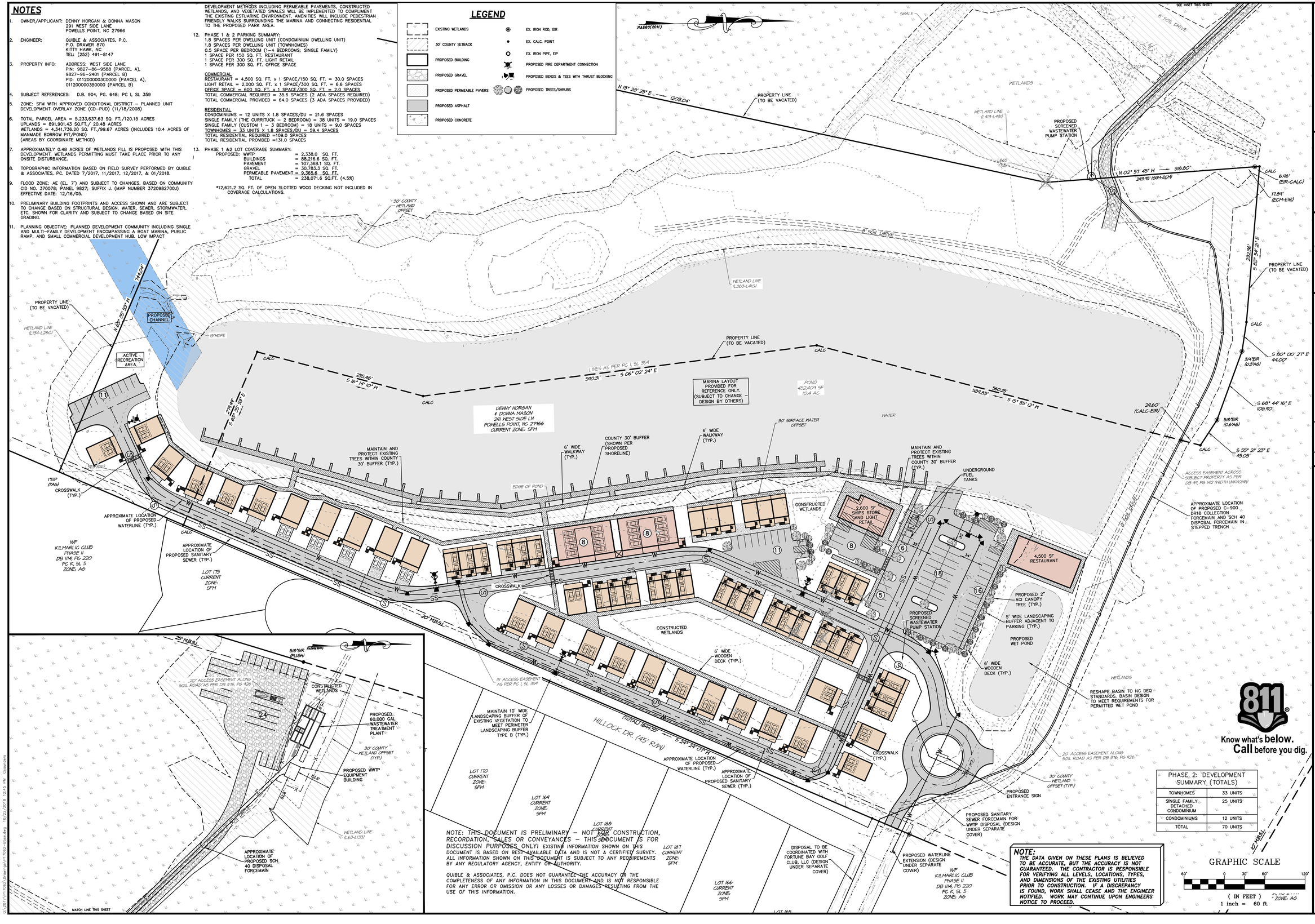
    RESIDENTIAL
    CONDOMINIUMS = 12 UNITS X 1.8 SPACES/DU = 21.6 SPACES
    SINGLE FAMILY (THE CURRITUCK – 2 BEDROOM) = 38 UNITS = 19.0 SPACES
    SINGLE FAMILY (CUSTOM 1 – 3 BEDROOM) = 18 UNITS = 9.0 SPACES
    TOWNHOMES = 33 UNITS X 1.8 SPACES/DU = 59.4 SPACES
    TOTAL RESIDENTIAL REQUIRED =109.0 SPACES
    TOTAL RESIDENTIAL PROVIDED =131.0 SPACES
13. PHASE 1 &2 LOT COVERAGE SUMMARY:

| PROPOSED: | | |
|---|---|---|
| WWTP | = | 2,338.0 SQ. FT. |
| BUILDINGS | = | 88,216.6 SQ. FT. |
| PAVEMENT | = | 107,368.1 SQ. FT. |
| GRAVEL | = | 30,783.3 SQ. FT. |
| PERMEABLE PAVEMENT | = | 9,365.6 SQ. FT. |
| TOTAL | = | 238,071.6 SQ.FT. (4.5%) |

*12,621.2 SQ. FT. OF OPEN SLOTTED WOOD DECKING NOT INCLUDED IN COVERAGE CALCULATIONS.

## LEGEND

- EXISTING WETLANDS
- 30' COUNTY SETBACK
- PROPOSED BUILDING
- PROPOSED GRAVEL
- PROPOSED PERMEABLE PAVERS
- PROPOSED ASPHALT
- PROPOSED CONCRETE
- EX. IRON ROD, ER
- EX. CALC. POINT
- EX. IRON PIPE, EP
- PROPOSED FIRE DEPARTMENT CONNECTION
- PROPOSED BENDS & TEES WITH THRUST BLOCKING
- PROPOSED TREES/SHRUBS




| PHASE 2: DEVELOPMENT SUMMARY (TOTALS) | |
|---|---|
| TOWNHOMES | 33 UNITS |
| SINGLE FAMILY DETACHED CONDOMINIUM | 25 UNITS |
| CONDOMINIUMS | 12 UNITS |
| TOTAL | 70 UNITS |

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

GRAPHIC SCALE
60' 0 30' 60' 120'
( IN FEET )
1 inch = 60 ft.

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

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NC License# C-0208 SINCE 1959
8466 CARATOKE HWY
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BLACK MOUNTAIN, NC 28711
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Fax: (252) 491-8146
quible@quible.com

NORTH CAROLINA PRELIMINARY NOT FOR CONSTRUCTION SEAL 036161 ENGINEER CATHLEEN M. SAWYER
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| NO. | DATE | REVISIONS |
|---|---|---|
| 1 | 10/22/2018 | PER TRC COMMENTS |

SITE - PHASE 2
CAPE CURRITUCK
291 WEST SIDE LANE
POWELLS POINT
CURRITUCK COUNTY
NORTH CAROLINA

| | |
|---|---|
| COMMISSION NO. | P17062 |
| DESIGNED BY | CMS |
| DRAWN BY | CMS/DAC |
| CHECKED BY | MWS |
| ISSUE DATE | 9/26/18 |

SHEET NO. 4 OF 6 SHEETS

Attachment: 2 Revised Plan (PB 08-48 Cape Currituck (Horgan/Mason))

## NOTES

1. OWNER/APPLICANT: DENNY HORGAN & DONNA MASON
291 WEST SIDE LANE
POWELLS POINT, NC 27966

2. ENGINEER: QUIBLE & ASSOCIATES, P.C.
P.O. DRAWER 870
KITTY HAWK, NC
TEL: (252) 491-8147

3. PROPERTY INFO: ADDRESS: WEST SIDE LANE
PIN: 9827-86-9588 (PARCEL A),
9827-96-2401 (PARCEL B)
PID: 011200000300000 (PARCEL A),
011200000380000 (PARCEL B)

4. SUBJECT REFERENCES: D.B. 904, PG. 648; PC I, SL 359

5. ZONE: SFM WITH APPROVED CONDITIONAL DISTRICT – PLANNED UNIT DEVELOPMENT OVERLAY ZONE (CD-PUD) (11/18/2008)

6. TOTAL PARCEL AREA = 5,233,637.63 SQ. FT./120.15 ACRES
UPLANDS = 891,901.43 SQ.FT./ 20.48 ACRES
WETLANDS = 4,341,736.20 SQ. FT./99.67 ACRES (INCLUDES 10.4 ACRES OF MANMADE BORROW PIT/POND)
(AREAS BY COORDINATE METHOD)

7. APPROXIMATELY 0.48 ACRES OF WETLANDS FILL IS PROPOSED WITH THIS DEVELOPMENT. WETLANDS PERMITTING MUST TAKE PLACE PRIOR TO ANY ONSITE DISTURBANCE.

8. TOPOGRAPHIC INFORMATION BASED ON FIELD SURVEY PERFORMED BY QUIBLE & ASSOCIATES, PC. DATED 7/2017, 11/2017, 12/2017, & 01/2018.

9. FLOOD ZONE: AE (EL. 7') AND SUBJECT TO CHANGES. BASED ON COMMUNITY CID NO. 370078; PANEL 9827; SUFFIX J. (MAP NUMBER 3720982700J) EFFECTIVE DATE: 12/16/05.

10. PRELIMINARY BUILDING FOOTPRINTS AND ACCESS SHOWN AND ARE SUBJECT TO CHANGE BASED ON STRUCTURAL DESIGN, WATER, SEWER, STORMWATER, ETC. SHOWN FOR CLARITY AND SUBJECT TO CHANGE BASED ON SITE GRADING.

11. PLANNING OBJECTIVE: PLANNED DEVELOPMENT COMMUNITY INCLUDING SINGLE AND MULTI-FAMILY DEVELOPMENT ENCOMPASSING A BOAT MARINA, PUBLIC RAMP, AND SMALL COMMERCIAL DEVELOPMENT HUB. LOW IMPACT DEVELOPMENT METHODS INCLUDING PERMEABLE PAVEMENTS, CONSTRUCTED WETLANDS, AND VEGETATED SWALES WILL BE IMPLEMENTED TO COMPLIMENT THE EXISTING ESTUARINE ENVIRONMENT. AMENITIES WILL INCLUDE PEDESTRIAN FRIENDLY WALKS SURROUNDING THE MARINA AND CONNECTING RESIDENTIAL TO THE PROPOSED PARK AREA.

12. PHASE 1 & 2 PARKING SUMMARY:
1.8 SPACES PER DWELLING UNIT (CONDOMINIUM DWELLING UNIT)
1.8 SPACES PER DWELLING UNIT (TOWNHOMES)
0.5 SPACE PER BEDROOM (1-4 BEDROOMS; SINGLE FAMILY)
1 SPACE PER 150 SQ. FT. RESTAURANT
1 SPACE PER 300 SQ. FT. LIGHT RETAIL
1 SPACE PER 300 SQ. FT. OFFICE SPACE

COMMERCIAL
RESTAURANT = 4,500 SQ. FT. X 1 SPACE/150 SQ. FT. = 30.0 SPACES
LIGHT RETAIL = 2,000 SQ. FT. X 1 SPACE/300 SQ. FT. = 6.6 SPACES
OFFICE SPACE = 600 SQ. FT. X 1 SPACE/300 SQ. FT. = 2.0 SPACES
TOTAL COMMERCIAL REQUIRED = 38.6 SPACES (2 ADA SPACES REQUIRED)
TOTAL COMMERCIAL PROVIDED = 64.0 SPACES (3 ADA SPACES PROVIDED)

RESIDENTIAL
CONDOMINIUMS = 102 UNITS X 1.8 SPACES/DU = 183.6 SPACES
SINGLE FAMILY (THE CURRITUCK – 2 BEDROOM) = 38 UNITS = 19.0 SPACES
SINGLE FAMILY (CUSTOM 1 – 3 BEDROOM) = 18 UNITS = 9.0 SPACES
TOWNHOMES = 33 UNITS X 1.8 SPACES/DU = 59.4 SPACES
TOTAL RESIDENTIAL REQUIRED =271.0 SPACES
TOTAL RESIDENTIAL PROVIDED =296.0 SPACES (2 ADA SPACES PROVIDED)

OVERFLOW/BOAT PARKING
24 SPACES PROVIDED

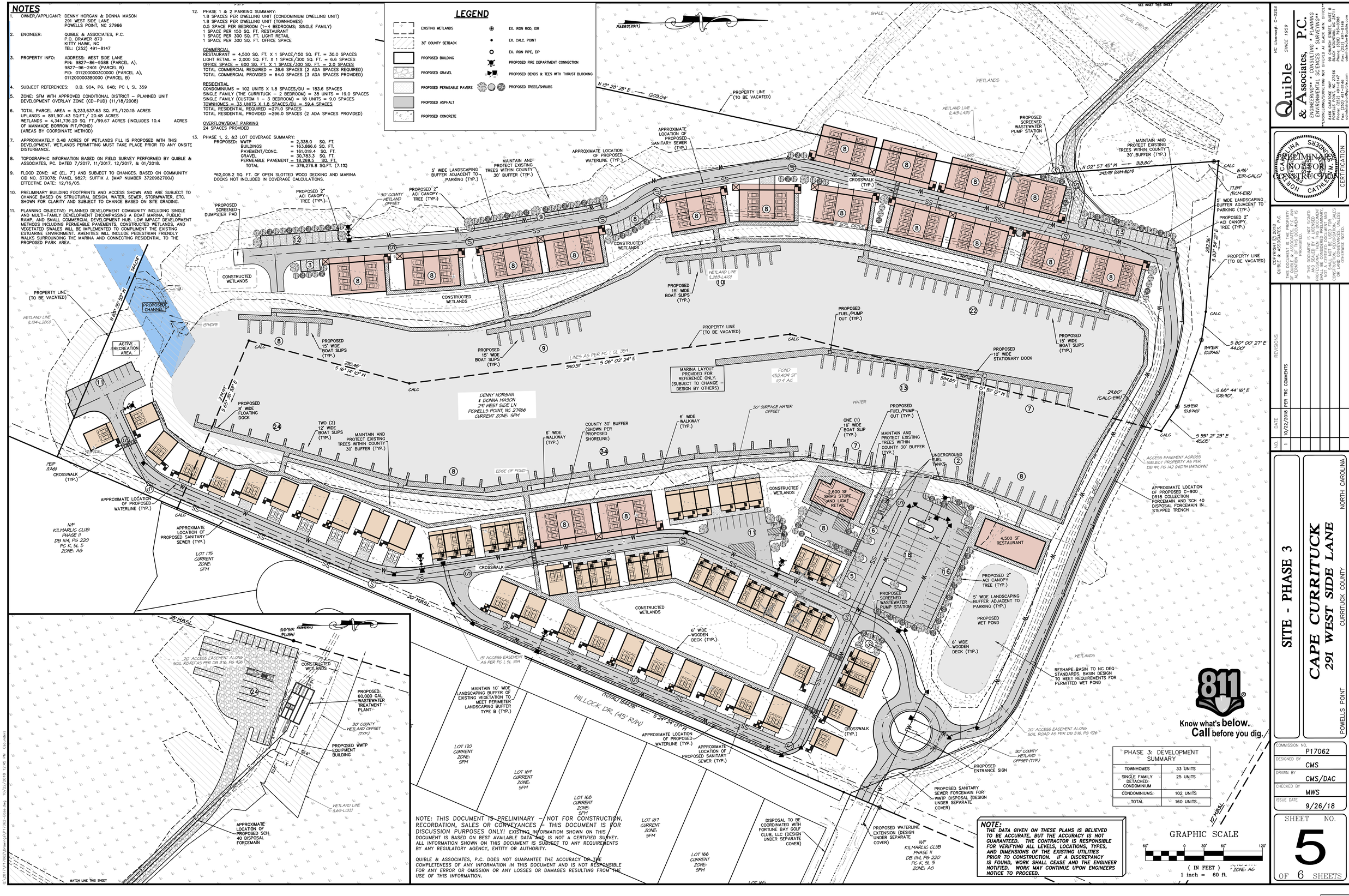
13. PHASE 1, 2, &3 LOT COVERAGE SUMMARY:

| PROPOSED: | | |
|---|---|---|
| WWTP | = | 2,338.0 SQ. FT. |
| BUILDINGS | = | 163,866.6 SQ. FT. |
| PAVEMENT/CONC. | = | 161,019.4 SQ. FT. |
| GRAVEL | = | 30,783.3 SQ. FT. |
| PERMEABLE PAVEMENT | = | 18,269.5 SQ. FT. |
| TOTAL | = | 376,276.8 SQ.FT. (7.1%) |

*52,008.2 SQ. FT. OF OPEN SLOTTED WOOD DECKING AND MARINA DOCKS NOT INCLUDED IN COVERAGE CALCULATIONS.

## LEGEND

- EXISTING WETLANDS
- 30' COUNTY SETBACK
- PROPOSED BUILDING
- PROPOSED GRAVEL
- PROPOSED PERMEABLE PAVERS
- PROPOSED ASPHALT
- PROPOSED CONCRETE
- EX. IRON ROD, ER
- EX. CALC. POINT
- EX. IRON PIPE, EP
- PROPOSED FIRE DEPARTMENT CONNECTION
- PROPOSED BENDS & TEES WITH THRUST BLOCKING
- PROPOSED TREES/SHRUBS




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| PHASE 3: DEVELOPMENT SUMMARY | |
|---|---|
| TOWNHOMES | 33 UNITS |
| SINGLE FAMILY DETACHED CONDOMINIUM | 25 UNITS |
| CONDOMINIUMS | 102 UNITS |
| TOTAL | 160 UNITS |

**NOTE:**
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GRAPHIC SCALE
60' 0 30' 60' 120'
( IN FEET )
1 inch = 60 ft.

Know what's below. Call before you dig.

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Tel: (252) 491-8146
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BLACK MOUNTAIN, NC 28711
Tel: (828) 669-8707
Fax: (252) 491-8144
admin@quible.com

NORTH CAROLINA PRELIMINARY NOT FOR CONSTRUCTION 10/22/2018 CHRISTOPHER M. SMITH, PE 037062 ENGINEER CERTIFICATION

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| NO. | DATE | REVISIONS |
|---|---|---|
| 1 | 10/22/2018 | PER TRC COMMENTS |

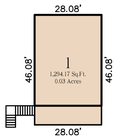
SITE - PHASE 3

CAPE CURRITUCK
291 WEST SIDE LANE
POWELLS POINT — CURRITUCK COUNTY — NORTH CAROLINA

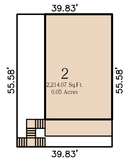
| | |
|---|---|
| COMMISSION NO. | P17062 |
| DESIGNED BY | CMS |
| DRAWN BY | CMS/DAC |
| CHECKED BY | MWS |
| ISSUE DATE | 9/26/18 |

SHEET NO. 5 OF 6 SHEETS

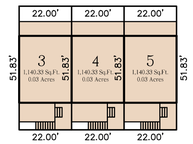
Attachment: 2 Revised Plan (PB 08-48 Cape Currituck (Horgan/Mason))



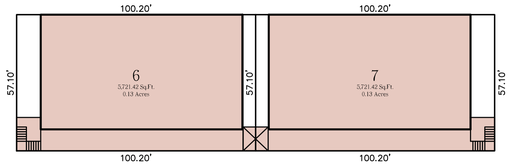

TYPICAL DETACHED CONDOMINIUM LOT LINE (THE CURRITUCK)



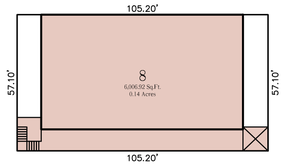

TYPICAL DETACHED CONDOMINIUM LOT LINE (CUSTOM 1)




TYPICAL CONDOMINIUM LOT LINE (TOWNHOMES)




TYPICAL CONDOMINIUM LOT LINE (DUAL CONDOMINIUM)




TYPICAL CONDOMINIUM LOT LINE (SINGLE CONDOMINIUM)

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| NO. | DATE | REVISIONS |
|---|---|---|
| 1 | 10/22/2018 | PER TRC COMMENTS |

# TYPICAL CONDOMINIUM LOT LINES

## CAPE CURRITUCK
## 291 WEST SIDE LANE

POWELLS POINT CURRITUCK COUNTY NORTH CAROLINA

| | |
|---|---|
| COMMISSION NO. | P17062 |
| DESIGNED BY | CMS |
| DRAWN BY | CMS/DAC |
| CHECKED BY | MWS |
| ISSUE DATE | 9/26/18 |

SHEET NO. 6 OF 6 SHEETS

Attachment: 2 Revised Plan (PB 08-48 Cape Currituck (Horgan/Mason))



G:\2017\P17062\Drawings\P17062 Sheet.dwg 10/22/2018 12:45 PM Columbia

**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:** Cathleen Saunders, Quible and Associates

**From:** Tammy Glave, Senior Planner

**Date:** October 11, 2018

**Re:** PB 08-48 Cape Currituck, Amended Conditional Zoning, TRC Comments

The following comments have been received for the October 17, 2018 Technical Review Committee meeting. In order to be scheduled for the November 13, 2018 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on October 22, 2018. TRC comments are valid for six months from the date of the TRC meeting.

**Planning, (Tammy Glave, 252-232-6025)**
Approved with comment:
1. Staff is concerned with the maneuverability of vehicles pulling boat trailers (turning radius) at the public boat ramp, lack of vehicle hauling boat trailer parking at the ramp, and the distance from the ramp to the boat trailer parking lot.

**Currituck County Building-Fire Inspector (Bill Newns, 252-232-6023)**
Reviewed without comment.

**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 County Utilities – SOBWS (Benjie Carawan, 252-453-2620)**
Reviewed without comment.

**Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)**
Reviewed with comment:
1. DEVELOPERS NEED TO CONSULT WITH KEVIN CARVER RS (252-232-6603)CONCERNING PROPOSED SUB-SURFACE SEWAGE TREATMENT AND DISPOSAL SYSTEMS WITHIN PROPOSED DEVELOPMENT.

**NC Division of Coastal Management (Charlan Owens, 252-264-3901)**
Reviewed with comment:
1. A CAMA Major Permit will be required for project development. For permitting assistance, please contact Ron Renaldi, DCM Field Representative at 252-264-3901.

Attachment: 3 Cape Currituck ACZ TRC Comments 10-17-18 (PB 08-48 Cape Currituck (Horgan/Mason):)

2. Page 3 of the Site Narrative indicates that the proposed subdivision is predicated on a marina being constructed that offers a connection to the Albemarle Sound, however Page 8 indicates that permitting for the marina will occur in Phase 2---after 43 units and associated improvements for those units are installed in Phase 1. It is recommended that permitting for the marina occur in Phase 1.

**Comments not received from the following:**
Currituck County Engineer (Eric Weatherly, 252-232-6035)
Currituck Soil and Stormwater (Will Creef, 252-232-3360)
Currituck County Utilities - Water (Yama Jones, 252-232-6061)

**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 or new documents and plans.

Attachment: 3 Cape Currituck ACZ TRC Comments 10-17-18 (PB 08-48 Cape Currituck (Horgan/Mason):)

# SITE NARRATIVE

## Cape Currituck Conditional Rezoning Amendment to Existing Planned Unit Development Overlay Zone Currituck County, North Carolina

Prepared for:
Timothy Mike Morrison
8443 Caratoke Highway Ste E,
Powells Point, NC 27966

Prepared by:
Quible & Associates, P.C.
PO Drawer 870
Kitty Hawk, NC 27949

September 27, 2018
P17062

Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

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Appendices

*Appendix A – Previously approved CD-PUD Permit (2008)*

*Appendix B – On-site Soils Map and Data*

*Appendix C – Supporting letter for off-site disposal of wastewater effluent*

Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

## Overview

The site consists of a parcel of land (120.15 acres) located adjacent to the Kilmarlic Golf Club/Residential Community and the Albemarle Sound. The developer (Cape Currituck) proposes to amend an existing Conditional Rezoning – Planned Unit Development Overlay Zoning. This development is mixed-use and includes 160 residential units, a small commercial hub, full service marina, and associated infrastructure. Development of the site will take place within phases. Anticipated phasing of the project is outlined within the proposed Sequence of Permitting/Construction section of this narrative.

A conceptual development masterplan was submitted to Currituck County and granted approval in 2008. A copy of the Currituck County approval has been attached as **Appendix A**.

## Existing Conditional Rezoning Planned Unit Development

A previous Conditional District Zoning Map Amendment package was submitted and approved in November of 2008. This conditional zoning map amendment rezoned the subject parcel from SFM to CD-PUD with the intention of building a development including 237 residential units, a small commercial hub, boat marina, public boat ramp, and associated infrastructure improvements. The previous rezoning was necessary as the proposed development desired mixed use (commercial and residential) was not a permitted use in the SFM zoning district. A copy of the previous CD-PUD permit is included within **Appendix A**.

During the permitting stages it became apparent that the proposed waterway alignment to connect to the sound was not desirable by State and Federal resource and permit agencies. The Masterplan has been redesigned to take this change into account and a revised Planned Development Masterplan is proposed to address the current desired layout. Due to the lapse in time between the previous masterplan and the current desire for construction, wetlands onsite were revisited with the appropriate State and Federal agencies. Changes to the wetland boundaries defined onsite, significantly impacted the available uplands for development and required a change (an overall decrease in the number of units) in the previously approved masterplan. The masterplan associated with the existing CD-PUD will be modified to reflect current site conditions.

## Existing Site

A majority of the property is a mix of wetlands with approximately 20 acres of uplands. There is approximately 1,800 linear feet of shoreline within the project area. Much of the interior of the property is dominated by coastal wetlands species. However, there are approximately 40 acres of the wetlands that have been invaded by *Phragmites australis*. The wetlands that are dominated by *P. australis* have been determined to not fall under the jurisdiction of the Division of Coastal Management (DCM). The interior wetlands are not connected directly to the Sound due to high berms along the shoreline and a berm that extends from the shoreline east into the property along the existing canal. Historically, there was a connection to the Albemarle Sound from a series of man-made canals on the property.

Much of the uplands on site are maintained grasses, paths and unimproved roads that are used by the current owner. There is a single-family residential home on the property along with horse barns and paddocks.

Existing grades throughout the site are generally between elevation 3-feet to 5-feet. All impervious coverage currently on the site sheet flows or has a direct connection into the existing pond, man-made canals and wetlands.



Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

## Proposed Development

Cape Currituck proposes a development with mixed residential uses, neighborhood serving retail uses, a restaurant, and traditional uses associated with a full-service marina. The planned development includes 160 total residential units, a small commercial hub, restaurant, full service marina, and associated infrastructure. The developers, Cape Currituck, LLC (not yet incorporated but planned), propose to excavate a channel to connect the existing pond to the Albemarle Sound. The proposed subdivision is predicated on a marina being constructed that offers a connection to the Albemarle Sound. There are no public marinas on the Albermarle Sound shoreline in Currituck County. This project will provide access to the Albemarle Sound and is positioned to take boat traffic from the Intracoastal Waterway which traverses just offshore from the proposed project.

The proposed site is generally consistent with the County Land Use Plan. A portion of the site is considered 'conservation' within the County's Future Land Use plan. This area is currently wetlands and will predominately remain undisturbed with the site development. Approximately 0.48 acres of wetland fill will be permitted and mitigated through the appropriate State and Federal agencies. The proposed development will incorporate sustainable development practices and permeable pavement to the extent practical to encourage an environmentally conscious development adjacent to the existing wetlands and waterbody.

The uplands available on the subject parcel of land are designated as 'Full Service' by the County's 2006 Land Use Plan (LUP). Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. Residential development is considered an appropriate development within the full-service district and is typically allowed to have 2 units per acre. Commercial Development within the full-service district is acceptable per the 2006 LUP and the proposed small commercial hub will reflect the existing community in scale, architectural style, materials, landscaping, and site design.

The planned development would address a community need for access to the Albemarle Sound while providing an increased inventory of resort style homes and condominiums. The proposed condominiums will also address the need for multifamily housing within lower Currituck. The proposed smaller single-family homes/cottages (1,000 sq. ft. to 1,800 sq. ft.) are anticipated to compliment surrounding developments, which allow for larger floor plans. The proposed marina and access to the Intracoastal Waterway (ICW) will provide needed access to the underutilized Albemarle Sound and positively impact the land values in the surrounding area.

### Access

Access to the site will be available from West Side Lane (SR 1112). A minimum 20' wide all-weather asphalt drive aisle capable of supporting 75,000 pounds is proposed to allow for fire access. A refuse collection center will be provided adjacent to the condominiums for centralized trash pickup. All single-family condominiums are anticipated to have single roll-out refuse containers. A 15'x30' loading zone will be provided within the commercial area to meet the Currituck County Unified Development Ordinance (UDO) requirements.

### Pedestrian Access

All walks are proposed to be open-slotted wood decking at a minimum of 6-feet wide. Internal pedestrian circulation will be provided to all commercial development areas. Golf cart and Bicycle parking will be provided at the proposed commercial hub to encourage alternative transportation methods.

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## Parking

The proposed project includes 364 parking spaces. Calculations for the final parking count are based on the current ordinance using the following standards:

- 1.8 spaces per dwelling unit (condominium dwelling unit);
- 1.8 spaces per dwelling unit (townhomes);
- 0.5 space per bedroom (1-4 bedrooms; single family);
- 1 space per 150 sq. Ft. Restaurant;
- 1 space per 300 sq. Ft. Light retail;
- 1 space per 300 sq. Ft. Office space;

The parking summary for the entire development is provided within Table 1 below.

**Table 1: Parking Summary**

| | ***Name*** | ***Building Size (SF)*** | ***Bedrooms*** | ***# Buildings*** | ***#Units*** | ***Parking Required Estimate*** | ***Parking Provided*** |
|---|---|---|---|---|---|---|---|
| *1* | Single Family (The Currituck) | | 2 | 19 | 38 | 19.0 | 44.5 |
| *2* | Single Family (Custom 1) | | 3 | 6 | 18 | 9.0 | |
| *3* | Townhome | | | 33 | 33 | 59.4 | 59.5 |
| *4* | Condominiums | | | 17 | 102 | 183.6 | 186.5 |
| *5* | Light Retail | 2,000 | | | | 6.6 | 69.5 |
| *6* | Restaurant | 4,500 | | | | 30.0 | |
| *7* | Office/Clubhouse | 600 | | | | 2.0 | |
| *8* | Overflow/Boat Trailer parking | | | | | 24 | 24 |
| | | | | | **Totals** | **333.6** | **384** |

Based on the parking summary above, approximately 334 parking spaces are recommended. The proposed masterplan has provided 384 spaces.

The proposed development proposes following dimensional standards:

- Proposed condominium development.
- Minimum interior lot area = 1,200 sq. Ft. (Reduced with additional area proposed to be added to minimum open space set-aside per Table 1.8.6.A Note [1]; Zero lot line)
- Minimum lot width (overall lot) = 65'
- Minimum lot setback (overall lot) = 10.0'
- Maximum lot coverage (overall lot) = 10.0% (Does not include open slotted wood decking)
- Maximum building height = 35'
- Maximum individual building size = 5,000 sq. Ft.
- Minimum setback from agricultural = 50.0'
- Minimum setback from adjacent residential = 20.0'

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Utilities

**Water**

The existing waterlines adjacent to the site within Kilmarlic are 6” in size. Water service to the site is proposed to be modeled based on the number of approved units to determine the best available connection with regards to available fire protection. Two options for water services are being considered including a connection to the existing 6” stub out within West Side Lane adjacent to the site or connection and extension of the existing 10” waterline within West Side Lane at the intersection of Kilmarlic Club Drive. If the 6” stub out connection is used, the existing waterline throughout Kilmarlic would be upgraded as necessary with the project to maintain required pressures for fire service. If modelling determines that an extension of the existing 10” waterline alignment is the best available for the development, a 10” extension will parallel the existing 6”-8” line within the West Side Lane right-of-way until it enters the development adjacent to Hillock.

Water service and fire hydrants will be provided throughout the development. All commercial buildings, townhomes, and condominiums (including detached condominiums) will be protected by sprinkler systems as required by National Fire Prevention Association and applicable building codes.

**Sanitary Sewer**

Sanitary sewer service throughout the development is anticipated to be collected via a gravity sewer network. This system will collect to onsite lift stations that will pump sewage to a proposed wastewater treatment plant at the rear of the site adjacent to boat trailer parking. Disposal of the treated effluent is proposed to take place through drip irrigation off-site through agreements with adjacent property owners. A letter of support from the adjacent property owner is available in **Appendix C** for off-site disposal of effluent.

Stormwater Management Plan

Low impact development methods including permeable pavements, constructed wetlands, a wet pond, and vegetated swales will be implemented to complement the existing estuarine environment. Amenities will include pedestrian friendly walks surrounding the marina and connecting residential development to the proposed park area. Walks are proposed as open slotted wood decking to allow stormwater to infiltrate into the ground naturally.

Stormwater to serve the proposed site improvements is anticipated to include multiple manmade wetland pockets, wet detention basins, and permeable pavement throughout the development. The existing soils at the site do not adequately allow for infiltration or bioretention options. Anticipated locations of pocket wetlands and wet ponds are shown on the provided masterplan. Stormwater Control Measures will be permitted as appropriate to address State and Local storage and treatment requirements.

Permeable pavers and permeable asphalt will be used onsite within parking areas to provide additional stormwater storage and infiltration. Pavers will be installed with underdrains that convey stormwater to the centralized storm sewer network Permeable pavers are provided to meet stormwater storage requirements. Permeable pavers are not anticipated to be permitted through NC DEQ.

These stormwater management control measures will provide an adequate system to meet and exceed State and local requirements for stormwater storage and treatment.

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**Soils**

The USDA NRCS Soil Survey lists the soils in the vicinity of the proposed development as described below. A copy of the NRCS web soil survey is available within **Appendix B** for reference.

- Bp – Borrow Pit
  This soil typically has 0 to 3 percent slopes. Typically has a very low runoff rate.

- Do—Dorovan mucky peat
  This soil typically has 0 to 1 percent slope. Dorovan mucky peat typically has a very high runoff class and is very poorly drained. This soil is categorized in Hydrologic Soil Group: A/D.

- CnA—Conetoe loamy sand
  This soil typically has 0 to 3 percent slope. Conetoe loamy sand typically has a very low runoff class and is well drained. This soil is categorized in Hydrologic Soil Group: A.

Marina

The proposed marina development has been designed to promote flushing to the maximum extent practicable, while limiting the square footage of wetlands and shallow water impacts by selecting the most direct channel route to reach the desired connecting water depth in the Albemarle of -8.0 feet (relative to normal water level). The marina development process over the last year has been refined to avoid and minimize environmental impacts. Specifically, the developer has reduced the overall proposed wetlands impacts (from the previously approved Masterplan). In addition, a robust mitigation plan is proposed that will restore native wetlands onsite, manage invasive species and preserve a large tract (greater than 80 acres) of non-coastal wetlands.

Please note, the existing onsite pondwas created out of agricultural lands. Fringe wetlands that exist around the pond have naturalized, but these wetlands appear to be the result of the Mine Reclamation activities/attempts after the mine was decommissioned. As proposed, the total wetlands fill impact for upland development is 0.48 acres which includes filling for road crossings. Dredge impacts to non-coastal wetlands (Phragmites, which is a federally listed invasive species) are 1.6 acres.

The proposed marina will provide approximately 208 boat slips (at build out based on available parking) for use by the general public, visitors and ICW traffic. Proposed slips will range in size to accommodate a variety of boats, sailboats and ICW traffic. The marina will be “full service”, defined as providing wet slips, sewage pump out, fuel and a ships store.

Buffers and Site Vegetation

**Zoning**

The surrounding zoning is a mixture of single-family mainland (SFM) and agriculture (AG). A setback of 20’ is proposed from the adjacent single-family zoning on the eastern side of the site. However, this 20’ setback is predominately against the Hillock right-of-way, which is 45-feet wide. Lot 175 within Kilmarlic Club Phase II is the only lot that directly abuts the proposed planned development. At this location, all buildings have been placed approximately 45-feet from the residential property line. A minimum of a 10-feet wide vegetated buffer will be provided along the adjacent properties zoned residential. All commercial development has been

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centralized within the community and will not be adjacent to the existing residential developments.

Adjacent to all agricultural zoning and along the north and west, a buffer of greater than 50-feet is available. These areas are predominately wetlands and will remain undisturbed with the proposed development. The southern boundary of the site is the Albemarle Sound and a buffer of greater than 500-feet for all development is provided by the existing wetlands.

The proposed development appears to be consistent with the surrounding uses of agriculture and residential zoning. Building types and placement at the site are proposed to provide a transition from adjacent offsite residential zoning to the mixed use and commercial elements of the proposed development plan. Transitions of residential buildings have been provided adjacent to the existing off site residential prior to proposed commercial or multi-family building placement.

**Environmental Buffers**

Within the current Currituck County UDO Section 1.8.6 (B)(3), the previously approved development shall comply with the standards in Chapters 5, 6, and 7 of the post-2013 UDO provided the compliance with the standards does not have the effect of decreasing the type, density, or intensity of the land designation contained in the approved master plan establishing the planned unit development.

The proposed development has held a 30' buffer from the shoreline as required by State and Federal requirements. Within Chapter 7, the County requires a 30' environmental setback from all wetlands (coastal and non-coastal) above and beyond State and Federal regulations. This 30' setback has been shown on the proposed masterplan for reference and is required to establish a riparian buffer around the county's surface waters, estuarine systems, and wetlands to ensure surface water runoff does not degrade or contaminate water quality in these resources. More specifically, these standards are intended to protect the following items:

A. Establish a riparian buffer zone around key water resource;
   Necessary wetlands impact and proposed structures and infrastructure have been minimized and avoided to the maximum extent practicable and all proposed development is adjacent to the man-made lake (former sand mine) and subsequent wetlands that were created as a result of final grading at mine closing. This statement is evidenced by historical aerial photography which shows the property as agricultural lands prior to the excavation of the mine and creation of the lake.

B. Protect private on-site drinking water supplies;
   The development as proposed will not damage on-site or off-site drinking water supplies. The project as proposed will not adversely impact (either through contamination or lowering) the shallow groundwater table or any known aquifer used for drinking water supplies.

C. Trap sediment and other pollutants in surface runoff;
   The proposed development includes stormwater planning that eliminates any discharge to surface waters, wetlands etc. Engineered and properly permitted Stormwater Control Measures will capture pollutants and sediment. Runoff from all homes within the 30' setback will be routed to appropriate basins prior to discharge.

D. Promote shoreline stabilization;



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The proposed development includes naturalized bank enhancement and stabilization. The project as proposed will not adversely impact any natural shorelines, but rather through the use of natural shoreline stabilization (not hardened) the shoreline will better protect water quality within the basin.

E. Protect wildlife habitat and critical aquatic nurseries;
A thorough review of wildlife habitat and critical aquatic nurseries has been conducted as part of the environmental review of this project. Based on a review of State and Federal databases and discussions with USFWS staff, there are no listed or mapped critical wildlife habitats or critical aquatic nurseries located within the proposed project area. All proposed development activities will be reviewed by State and Federal Permitting and Resource agencies as appropriate. All required permits will be obtained prior to any development activities.

F. Minimize the impacts of floods by helping maintain flood water storage volume.
The proposed development will manage and maintain flood water storage volumes and an engineered Site Plan; which includes both State and County stormwater management plans, will be submitted as part of the overall design of the project.

As proposed, Cape Currituck will meet the intent of UDO Section 7.6.1 through maintaining the 30' County setback adjacent to a majority of the existing natural wetlands and waterbodies throughout. Permitting and implementation of an engineered stormwater plan will assist in meeting the intent of this UDO Section in areas of roadway crossings. In addition to County setback requirements, all wetlands identified carry certain protections as outlined in Section 401 and Section 404 of the Clean Water Act. It is important to note that the proposed development is currently allowed (in a similar form) under a previous board action in 2008. The previously approved development proposed a greater density and proposed greater impacts to wetlands than the current proposal.

## Proposed Sequence of Permitting/Construction

Phase 1:

1. Obtain appropriate permits for Phase 1 construction including State SESC, State Stormwater, Phase 1 Public Water Supply watermain extension, Wastewater collection, WWTP permitting, and County approvals.
2. Install Phase 1 erosion and sediment control including silt fencing and constructed wetlands.
3. Install WWTP, associated utilities, and stormwater facilities.
4. Install Phase 1 units (43 total) and associated roadway/walkway/utilities.

Phase 2:

5. Obtain CAMA/USACE, DWR permitting for Marina.
6. Obtain appropriate permits for Phase 2 construction including State SESC, State Stormwater, Phase 2 Public Water Supply watermain extension, and County approvals.
7. Install Phase 2 erosion and sediment control including silt fencing and constructed wetlands.
8. Fill wetlands.
9. Demolish or relocate existing house.
10. Dredge the marina and reshape the existing manmade pond per approved Federal, State, and local permits. Construct proposed wet pond for use as SESC during construction.

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11. Install Phase 2 units (27 additional units) and associated roadway/walkway/utilities.
12. Install commercial elements and associated roadway/utilities.
13. Construct marina decking and slips for Phase 2 residential units and commercial elements only.

Phase 3:

14. Obtain appropriate permits for Phase 3 construction including State SESC, State Stormwater, Phase 3 Public Water Supply watermain extension, and County approvals.
15. Install Phase 3 erosion and sediment control including silt fencing and constructed wetlands.
16. Install Phase 3 units (90 additional units) and associated roadway/walkway/utilities.
17. Install marina decking and slips for Phase 3 residential units.

## Proposed Zoning Conditions/Dimensional Standards

Use Conditions:

1. The maximum gross residential density shall not exceed 2.0 dwelling units per acre.
2. No more than 50 residential units shall receive a certificate of occupancy prior to the public marina being fully permitted and approved by any local, state, and federal regulatory or permitting agency.
3. No more than 100 residential dwelling units shall receive a certificate of occupancy prior to the marina being fully operational and open to the public.
4. No more than 150 residential dwelling units shall receive a certificate of occupancy prior to the commercial components of the request being approved and fully constructed.

Transportation Conditions:

1. Multimodal pathways a minimum of six feet in width shall be provided throughout the development. This shall include interconnected sidewalks, bikeways, and natural trails.
2. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways.

Landscaping/Screening Conditions:

1. All inland, non-tidal and coastal wetlands not proposed to be filled shall remain undisturbed in accordance with the Currituck Marina Conceptual Plan. Delineated CAMA, 404 and 401 wetlands shall be preserved in perpetuity, either through a deed restriction, conservation easement or preservation trust preventing individual ownership or development.
2. There shall be no development, land disturbing (other than excavation of access channel, restoration or enhancement of natural ecosystems and management of invasive species), or logging activities in areas designated by the 2006 Land Use Plan as Conservation in accordance with the Currituck Marina Conceptual Plan. This shall not preclude elevated walkways, utilities, or other necessary public improvements.
3. A combination of Low Impact Development (LID) techniques such as cisterns, pervious materials, stormwater rain gardens, and soft stabilization of the marina basin shall be utilized as approved by the County Engineer.
4. Existing mature trees within 300 feet of the mean high-water mark or 100 feet of any adjacent property line shall be identified as a tree conservation area and be preserved to the extent practicable.
5. When developing within 300 feet of the shoreline, precedence should be given to “soft” stabilization approaches including, but not limited to, preservation of existing vegetation,

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creation of natural, living shorelines for areas needing stabilization, and establishment of vegetative buffers.

6. In commercial areas every parking space shall be entirely located within 120 feet of a landscape island containing a minimum of 2 canopy trees, a minimum of 2-inch caliper at time of planting. Landscape islands shall be a minimum of 10 feet in width and 400 square feet in size.
7. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided at a rate of 100 square feet for every 2,000 square feet of gross floor area.

Site Design/Architectural Conditions:

1. The proposed development will be in accordance with the Currituck Marina Conceptual Plan (dated September 2018).
2. Maximum size of an individual commercial building shall not exceed 10,000 square feet of gross floor area.
3. Residential structures shall include vertical and horizontal relief in buildings, including but not limited to façade articulation and other architectural elements that add visual interest; variation in exterior architectural materials or styles; and, inclusion of front porches, projecting bays, or vestibules.
4. Commercial structures, including mixed use structures, shall be subject to the following requirements:
    a. Building facades shall incorporate the traditional architectural style or vernacular of the general areas.
    b. Large expanses of blank walls shall be avoided. Facades shall incorporate architectural elements that add visual interest, including but not limited to variation in exterior materials; functioning windows and doorways; and, projecting elements such as eaves, cornices, canopies, bays, shadow lines, overhangs, porticos, and colonnades.
    c. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent material of on elevations not visible from a right-of-way or area designated for residential uses.

Water Access Conditions:

1. Public access to the waterfront and Albemarle Sound shall be required and include at a minimum a marina, public boat launching and parking, and multimodal pathways.
2. The marina shall include docking for a minimum of ten vessels.
3. The marina shall participate and become a Certified Clean Marina in the North Carolina Clean Marina program.
4. No permanent structures shall be built within 30 feet of the normal water level, or on or over a pier.
5. Waterfront property within 30 feet of the normal water level shall remain in common open space.

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**Appendix A – Previously approved Planned Unit Development Permit (Approved 2008)**

Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

Post Office Box 70
Currituck, North Carolina 27929

252-232-3055
Fax 252-232-3026

# COUNTY OF CURRITUCK

**Department of Planning**

November 18, 2008

Mr. Denny Horgan
291 West Side Lane
Powells Point, NC 27966

Tim Morrison/Edward Myers
2600 South Virginia Dare Trail
Nags Head, NC 27959

**RE: PB 08-48 Currituck Marina – Conditional District Zoning Map Amendment**

Dear Applicant,

At its November 17, 2008 meeting, the Currituck County Board of Commissioners approved the request to establish a Conditional District – Planned Unit Development Overlay Zone (CD-PUD) on 119.96 acres located at 291 West Side Lane, adjacent to Kilmarlic, Tax Map 112, Parcel 3C, Poplar Branch Township with the following zoning conditions:

**Uses**

1. Limited to mixed residential uses, neighborhood serving retail uses, restaurants, traditional uses associated with a marina, and other items contained in the Currituck Marina Conceptual Plan.
2. Maximum gross residential density shall not exceed 2.0 dwelling units per acre.
3. No more than 50 residential dwelling units shall receive a certificate of occupancy prior to the public marina being fully permitted and approved by any local, state, and federal regulatory or permitting agency.
4. No more than 100 residential dwelling units shall receive a certificate of occupancy prior to the marina being fully operational and open to the public.
5. No more than 150 residential dwelling units shall receive a certificate of occupancy prior to the commercial components of the request being approved and fully constructed.

**Transportation**

1. Multimodal pathways a minimum of six feet in width shall be provided throughout the development. This shall include interconnected sidewalks, bikeways and natural trails.
2. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways.

**Landscaping/Screening**

1. All inland, non-tidal and coastal wetlands shall remain undisturbed in accordance with the Currituck Marina Conceptual Plan. Delineated CAMA, 404 and 401 wetlands shall be placed in a conservation easement or preservation trust preventing individual ownership or development.

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2. There shall be no development, land disturbing, or logging activities in areas designated by the 2006 Land Use Plan as Conservation in accordance with the Currituck Marina Conceptual Plan. This shall not preclude elevated walkways, utilities, or other necessary public improvements.
3. A combination of Low Impact Development (LID) techniques such as cisterns, pervious materials, stormwater rain gardens, and soft stabilization of the marina basin shall be utilized as approved by the County Engineer.
4. Existing mature trees within 300 feet of the mean high water mark or 100 feet of any adjacent property line shall be identified as a tree conservation area and be preserved to the extent practicable.
5. When developing within 300 feet of the shoreline, precedence should be given to "soft" stabilization approaches including but not limited to preservation of existing vegetation, creation of natural, living shorelines for areas needing stabilization, and establishment of vegetative buffers.
6. In commercial areas every parking space shall be entirely located within 120 feet of a landscape island containing a minimum of 2 canopy trees, a minimum of 2 inches in caliper at time of planting. Landscape islands shall be a minimum of 10 feet in width and 400 square feet in size.
7. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided at a rate of 100 square feet for every 2,000 square feet of gross floor area.

**Site Design/Architectural**

1. The proposed development will be in accordance with the Currituck Marina Conceptual Plan.
2. Maximum size of an individual commercial building shall not exceed 10,000 square feet of gross floor area.
3. Residential structures shall include vertical and horizontal relief in buildings, including but not limited to façade articulation and other architectural elements that add visual interest; variation in exterior architectural materials or styles; and, inclusion of front porches, projecting bays, or vestibules.
4. Commercial structures, including mixed use structures, shall be subject to the following requirements:
   a. Building facades shall incorporate the traditional architectural style or vernacular of the general area.
   b. Large expanses of blank walls shall be avoided. Facades shall incorporate architectural elements that add visual interest, including but not limited to variation in exterior materials; functioning windows and doorways; and, projecting elements such as eaves, cornices, canopies, bays, shadow lines, overhangs, porticos and colonnades.
   c. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent material or on elevations not visible from a right-of-way or area designated for residential uses.

**Water Access**

1. Public access to the waterfront and Albemarle Sound shall required and include at a minimum a marina, public boat launching and parking, and multimodal pathways.
2. The marina shall include docking for a minimum of ten vessels.
3. The marina shall participate and become a Certified Clean Marina in the North Carolina Clean Marina program.
4. No permanent structures shall be built within 100 feet of the mean high water mark, or on or over a pier.
5. Waterfront property within 100 feet of the mean high water mark shall remain in common open space.

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If you have any questions regarding this action, please call me at 252-232-6029.

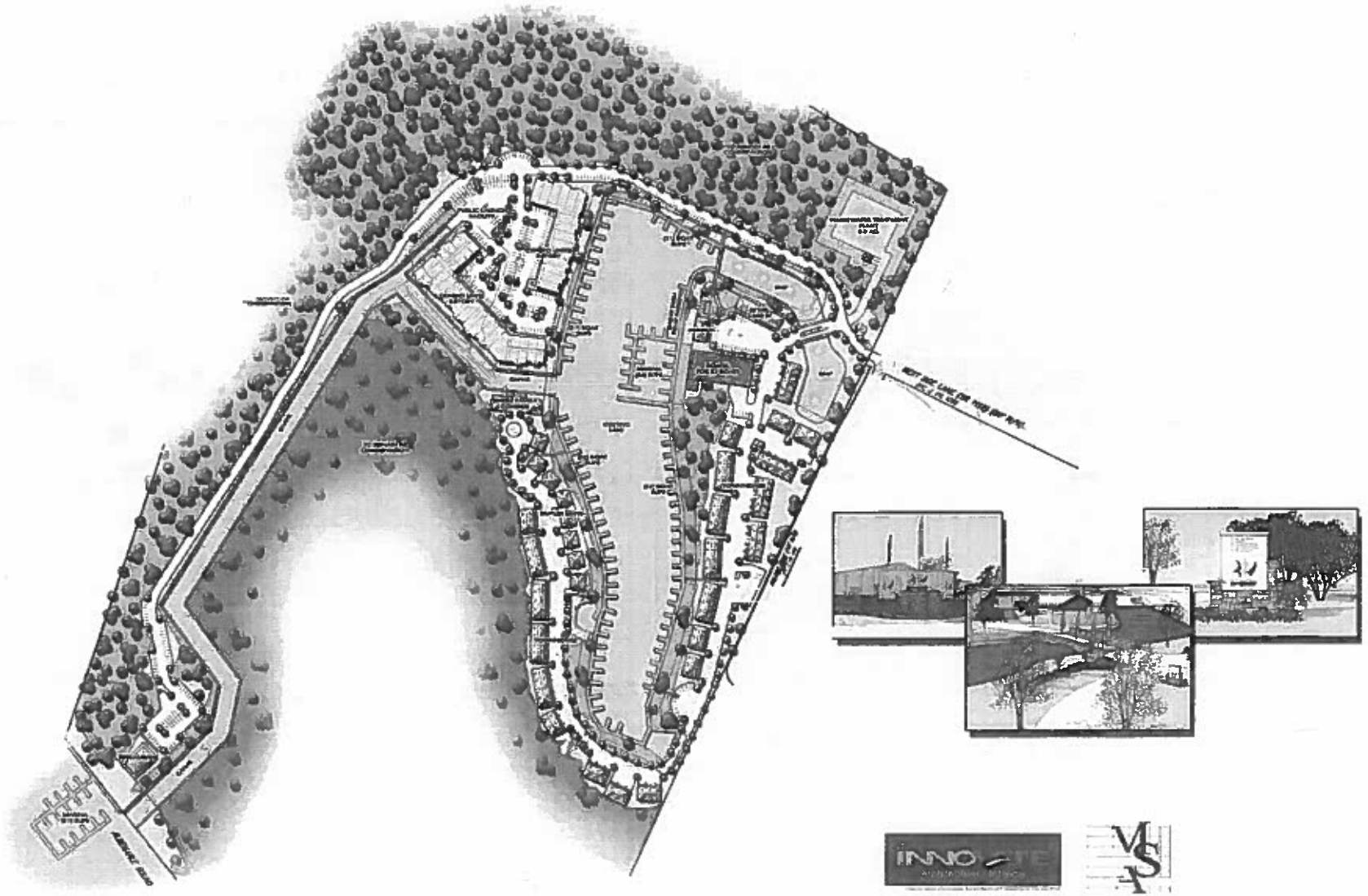
Sincerely,

Ben E. Woody, AICP
Planning Director

BW/st

cc: NCDOT – Elizabeth City
Tax Office
Harry Lee

Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)



**Appendix B – On-site Soils Map and Data**

Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

# Custom Soil Resource Report for Currituck County, North Carolina




Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

# Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require



Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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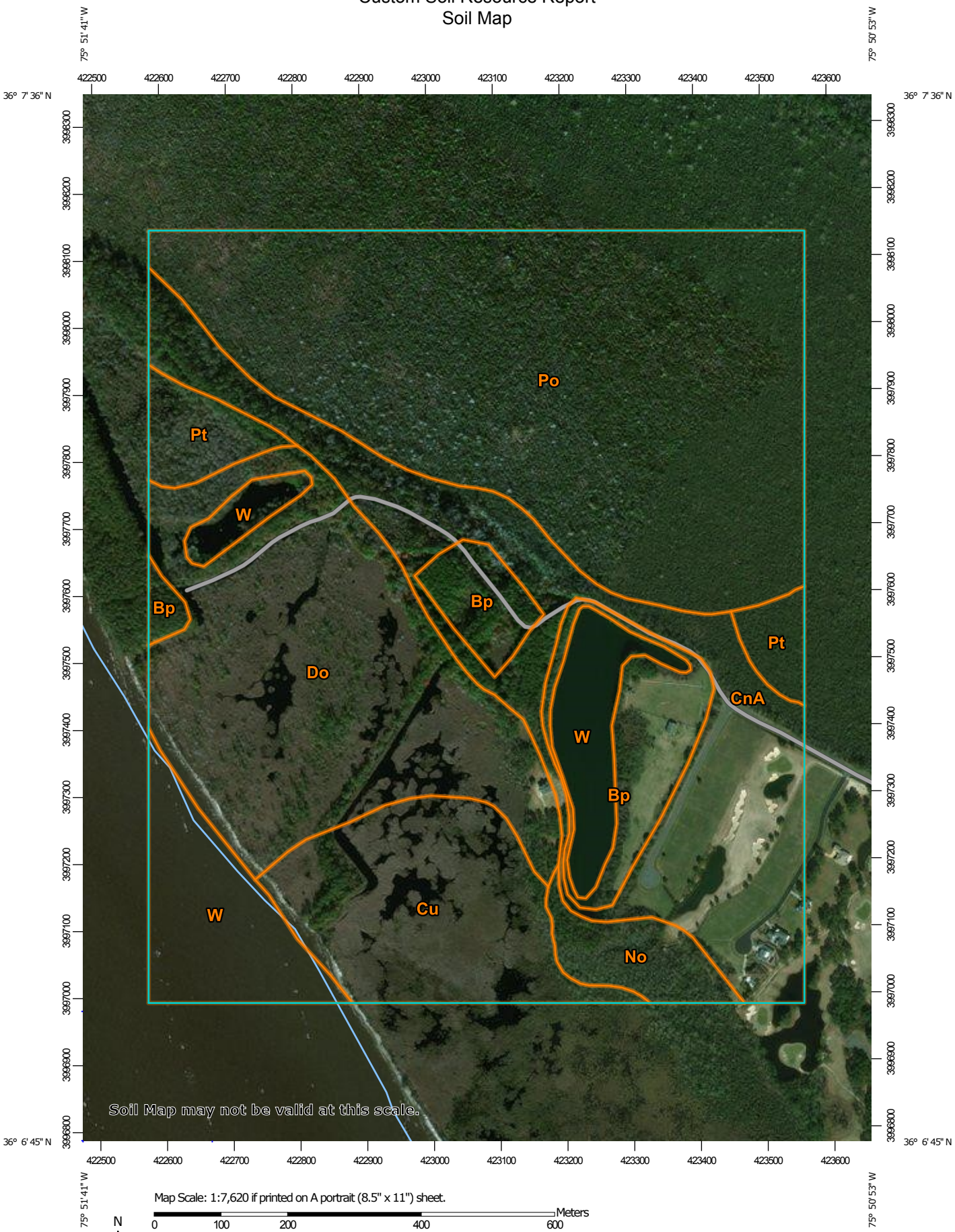
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# Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

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# Custom Soil Resource Report
## Soil Map




Map Scale: 1:7,620 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 100 200 400 600

Feet: 0 350 700 1400 2100

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

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## MAP LEGEND

**Area of Interest (AOI)**
- Area of Interest (AOI)

**Soils**
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

**Special Point Features**
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

**Water Features**
- Streams and Canals

**Transportation**
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

**Background**
- Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Currituck County, North Carolina
Survey Area Data: Version 16, Sep 26, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Feb 23, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



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# Map Unit Legend

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|---|---|---|---|
| Bp | Borrow pit | 16.4 | 5.8% |
| CnA | Conetoe loamy sand, 0 to 3 percent slopes | 45.6 | 16.2% |
| Cu | Currituck mucky peat | 27.0 | 9.6% |
| Do | Dorovan mucky peat | 56.2 | 20.0% |
| No | Nimmo loamy sand | 6.7 | 2.4% |
| Po | Ponzer muck, 0 to 2 percent slopes, rarely flooded | 94.5 | 33.6% |
| Pt | Portsmouth fine sandy loam | 8.4 | 3.0% |
| W | Water | 26.1 | 9.3% |
| **Totals for Area of Interest** | | **280.9** | **100.0%** |

# Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it



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was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

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# Currituck County, North Carolina

## Bp—Borrow pit

### Map Unit Setting

*National map unit symbol:* 21ydy
*Elevation:* 0 to 20 feet
*Mean annual precipitation:* 42 to 58 inches
*Mean annual air temperature:* 61 to 64 degrees F
*Frost-free period:* 190 to 270 days
*Farmland classification:* Not prime farmland

### Map Unit Composition

*Pits, sand:* 100 percent
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Pits, Sand

#### Setting

*Parent material:* Sandy fluviomarine deposits

#### Typical profile

*C1 - 0 to 10 inches:* sand
*C2 - 10 to 80 inches:* sand

#### Properties and qualities

*Slope:* 0 to 3 percent
*Runoff class:* Very low
*Capacity of the most limiting layer to transmit water (Ksat):* High to very high (5.95 to 39.96 in/hr)
*Depth to water table:* About 0 to 6 inches
*Available water storage in profile:* Very low (about 2.4 inches)

#### Interpretive groups

*Land capability classification (irrigated):* None specified
*Land capability classification (nonirrigated):* 8s
*Hydric soil rating:* No

## CnA—Conetoe loamy sand, 0 to 3 percent slopes

### Map Unit Setting

*National map unit symbol:* 3rnf
*Elevation:* 0 to 20 feet
*Mean annual precipitation:* 42 to 58 inches
*Mean annual air temperature:* 61 to 64 degrees F
*Frost-free period:* 190 to 270 days
*Farmland classification:* Farmland of statewide importance

### Map Unit Composition

*Conetoe and similar soils:* 85 percent
*Minor components:* 5 percent

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*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Conetoe**

**Setting**

*Landform:* Ridges on stream terraces, ridges on marine terraces
*Landform position (two-dimensional):* Shoulder, summit
*Landform position (three-dimensional):* Crest
*Down-slope shape:* Convex
*Across-slope shape:* Convex
*Parent material:* Sandy and loamy fluviomarine deposits and/or marine deposits

**Typical profile**

*Ap - 0 to 8 inches:* loamy sand
*E - 8 to 22 inches:* loamy sand
*Bt - 22 to 40 inches:* sandy loam
*BC - 40 to 46 inches:* loamy sand
*C - 46 to 80 inches:* sand

**Properties and qualities**

*Slope:* 0 to 5 percent
*Depth to restrictive feature:* More than 80 inches
*Natural drainage class:* Well drained
*Runoff class:* Very low
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 5.95 in/hr)
*Depth to water table:* More than 80 inches
*Frequency of flooding:* None
*Frequency of ponding:* None
*Available water storage in profile:* Low (about 5.1 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified
*Land capability classification (nonirrigated):* 2s
*Hydrologic Soil Group:* A
*Hydric soil rating:* No

**Minor Components**

**Leon**

*Percent of map unit:* 5 percent
*Landform:* Flats on marine terraces
*Down-slope shape:* Linear
*Across-slope shape:* Concave
*Hydric soil rating:* Yes

## Cu—Currituck mucky peat

**Map Unit Setting**

*National map unit symbol:* 3rnj
*Elevation:* 0 feet

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*Mean annual precipitation:* 42 to 58 inches
*Mean annual air temperature:* 61 to 64 degrees F
*Frost-free period:* 190 to 270 days
*Farmland classification:* Not prime farmland

**Map Unit Composition**

*Currituck, tidal, and similar soils:* 90 percent
*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Currituck, Tidal**

**Setting**

*Landform:* Tidal marshes
*Down-slope shape:* Linear
*Across-slope shape:* Linear
*Parent material:* Herbaceous organic material over sandy fluviomarine deposits

**Typical profile**

*Oe - 0 to 14 inches:* mucky peat
*Oa - 14 to 28 inches:* muck
*Cg - 28 to 80 inches:* sand

**Properties and qualities**

*Slope:* 0 to 1 percent
*Depth to restrictive feature:* More than 80 inches
*Natural drainage class:* Very poorly drained
*Runoff class:* Very high
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 5.95 in/hr)
*Depth to water table:* About 0 to 12 inches
*Frequency of flooding:* Very frequent
*Frequency of ponding:* None
*Salinity, maximum in profile:* Very slightly saline to slightly saline (2.0 to 4.0 mmhos/cm)
*Sodium adsorption ratio, maximum in profile:* 10.0
*Available water storage in profile:* High (about 10.6 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified
*Land capability classification (nonirrigated):* 8w
*Hydrologic Soil Group:* A/D
*Hydric soil rating:* Yes

## Do—Dorovan mucky peat

**Map Unit Setting**

*National map unit symbol:* 3rnl
*Elevation:* 0 feet
*Mean annual precipitation:* 42 to 58 inches
*Mean annual air temperature:* 61 to 64 degrees F
*Frost-free period:* 190 to 270 days
*Farmland classification:* Not prime farmland



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**Map Unit Composition**

*Dorovan, undrained, and similar soils:* 85 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Dorovan, Undrained**

**Setting**

*Landform:* Flood plains

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Woody organic material

**Typical profile**

*Oe1 - 0 to 3 inches:* mucky peat

*Oe2 - 3 to 63 inches:* mucky peat

*C - 63 to 80 inches:* loamy sand

**Properties and qualities**

*Slope:* 0 to 1 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Very poorly drained

*Runoff class:* Negligible

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)

*Depth to water table:* About 0 inches

*Frequency of flooding:* Frequent

*Frequency of ponding:* Frequent

*Available water storage in profile:* Very high (about 13.8 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 7w

*Hydrologic Soil Group:* B/D

*Hydric soil rating:* Yes

## No—Nimmo loamy sand

**Map Unit Setting**

*National map unit symbol:* 3rnv

*Elevation:* 0 to 20 feet

*Mean annual precipitation:* 42 to 58 inches

*Mean annual air temperature:* 61 to 64 degrees F

*Frost-free period:* 190 to 270 days

*Farmland classification:* Farmland of statewide importance

**Map Unit Composition**

*Nimmo, drained, and similar soils:* 80 percent

*Nimmo, undrained, and similar soils:* 10 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

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### Description of Nimmo, Drained

#### Setting

*Landform:* Depressions on marine terraces, flats on marine terraces
*Down-slope shape:* Concave
*Across-slope shape:* Linear
*Parent material:* Sandy and loamy fluviomarine deposits and/or marine deposits

#### Typical profile

*Ap - 0 to 6 inches:* loamy fine sand
*Btg - 6 to 25 inches:* fine sandy loam
*Cg - 25 to 80 inches:* sand

#### Properties and qualities

*Slope:* 0 to 2 percent
*Depth to restrictive feature:* More than 80 inches
*Natural drainage class:* Poorly drained
*Runoff class:* Very high
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 5.95 in/hr)
*Depth to water table:* About 0 to 12 inches
*Frequency of flooding:* None
*Frequency of ponding:* None
*Available water storage in profile:* Low (about 5.1 inches)

#### Interpretive groups

*Land capability classification (irrigated):* None specified
*Land capability classification (nonirrigated):* 3w
*Hydrologic Soil Group:* A/D
*Hydric soil rating:* Yes

### Description of Nimmo, Undrained

#### Setting

*Landform:* Flats on marine terraces, depressions on marine terraces
*Down-slope shape:* Concave
*Across-slope shape:* Linear
*Parent material:* Sandy and loamy fluviomarine deposits and/or marine deposits

#### Typical profile

*Ap - 0 to 6 inches:* loamy fine sand
*Btg - 6 to 25 inches:* fine sandy loam
*Cg - 25 to 80 inches:* sand

#### Properties and qualities

*Slope:* 0 to 2 percent
*Depth to restrictive feature:* More than 80 inches
*Natural drainage class:* Poorly drained
*Runoff class:* Very high
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 5.95 in/hr)
*Depth to water table:* About 0 to 12 inches
*Frequency of flooding:* None
*Frequency of ponding:* None
*Available water storage in profile:* Low (about 5.1 inches)

Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

**Interpretive groups**

*Land capability classification (irrigated):* None specified
*Land capability classification (nonirrigated):* 4w
*Hydrologic Soil Group:* A/D
*Hydric soil rating:* Yes

## Po—Ponzer muck, 0 to 2 percent slopes, rarely flooded

**Map Unit Setting**

*National map unit symbol:* 2v9nw
*Elevation:* 0 to 30 feet
*Mean annual precipitation:* 45 to 60 inches
*Mean annual air temperature:* 60 to 61 degrees F
*Frost-free period:* 190 to 270 days
*Farmland classification:* Farmland of statewide importance

**Map Unit Composition**

*Ponzer, undrained, and similar soils:* 90 percent
*Minor components:* 10 percent
*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Ponzer, Undrained**

**Setting**

*Landform:* Depressions, flats
*Landform position (three-dimensional):* Dip, talf
*Down-slope shape:* Concave, linear
*Across-slope shape:* Concave, linear
*Parent material:* Herbaceous organic material and/or woody organic material over loamy marine deposits

**Typical profile**

*Oa - 0 to 32 inches:* muck
*Cg - 32 to 63 inches:* loam

**Properties and qualities**

*Slope:* 0 to 2 percent
*Depth to restrictive feature:* More than 80 inches
*Natural drainage class:* Very poorly drained
*Runoff class:* Very high
*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately low (0.00 to 0.06 in/hr)
*Depth to water table:* About 0 to 6 inches
*Frequency of flooding:* Rare
*Frequency of ponding:* None
*Available water storage in profile:* Very high (about 19.5 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified
*Land capability classification (nonirrigated):* 6w

Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

*Hydrologic Soil Group:* D
*Hydric soil rating:* Yes

**Minor Components**

**Belhaven, undrained**
*Percent of map unit:* 6 percent
*Landform:* Flats, pocosins, flood plains, depressions
*Landform position (three-dimensional):* Tread, talf, dip
*Down-slope shape:* Linear, concave
*Across-slope shape:* Linear, concave
*Hydric soil rating:* Yes

**Roper, undrained**
*Percent of map unit:* 4 percent
*Landform:* Depressions on marine terraces, flats on marine terraces
*Landform position (three-dimensional):* Talf
*Down-slope shape:* Linear, concave
*Across-slope shape:* Linear, concave
*Hydric soil rating:* Yes

## Pt—Portsmouth fine sandy loam

**Map Unit Setting**
*National map unit symbol:* 3rp0
*Elevation:* 0 to 30 feet
*Mean annual precipitation:* 42 to 58 inches
*Mean annual air temperature:* 61 to 64 degrees F
*Frost-free period:* 190 to 270 days
*Farmland classification:* Prime farmland if drained

**Map Unit Composition**
*Portsmouth, drained, and similar soils:* 75 percent
*Portsmouth, undrained, and similar soils:* 10 percent
*Minor components:* 7 percent
*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Portsmouth, Drained**

**Setting**
*Landform:* Flats on marine terraces, depressions on marine terraces
*Down-slope shape:* Linear
*Across-slope shape:* Linear
*Parent material:* Loamy fluviomarine deposits over sandy fluviomarine deposits

**Typical profile**
*Ap - 0 to 12 inches:* fine sandy loam
*Eg - 12 to 19 inches:* fine sandy loam
*Btg - 19 to 35 inches:* sandy clay loam
*BCg - 35 to 38 inches:* sandy loam
*2Cg - 38 to 80 inches:* loamy sand



Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

**Properties and qualities**

*Slope:* 0 to 2 percent
*Depth to restrictive feature:* 20 to 40 inches to strongly contrasting textural stratification
*Natural drainage class:* Very poorly drained
*Runoff class:* Very high
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)
*Depth to water table:* About 0 to 12 inches
*Frequency of flooding:* None
*Frequency of ponding:* None
*Available water storage in profile:* Low (about 5.8 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified
*Land capability classification (nonirrigated):* 3w
*Hydrologic Soil Group:* B/D
*Hydric soil rating:* Yes

**Description of Portsmouth, Undrained**

**Setting**

*Landform:* Depressions on marine terraces, flats on marine terraces
*Down-slope shape:* Linear
*Across-slope shape:* Linear
*Parent material:* Loamy fluviomarine deposits over sandy fluviomarine deposits

**Typical profile**

*A - 0 to 12 inches:* fine sandy loam
*Eg - 12 to 19 inches:* fine sandy loam
*Btg - 19 to 35 inches:* sandy clay loam
*BCg - 35 to 38 inches:* sandy loam
*2Cg - 38 to 80 inches:* loamy sand

**Properties and qualities**

*Slope:* 0 to 2 percent
*Depth to restrictive feature:* 20 to 40 inches to strongly contrasting textural stratification
*Natural drainage class:* Very poorly drained
*Runoff class:* Very high
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)
*Depth to water table:* About 0 to 12 inches
*Frequency of flooding:* None
*Frequency of ponding:* None
*Available water storage in profile:* Low (about 5.8 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified
*Land capability classification (nonirrigated):* 6w
*Hydrologic Soil Group:* B/D
*Hydric soil rating:* Yes

**Minor Components**

**Cape lookout, undrained**

*Percent of map unit:* 4 percent



Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

*Landform:* Flats, pocosins, depressions
*Down-slope shape:* Linear
*Across-slope shape:* Concave
*Hydric soil rating:* Yes

**Portsmouth, undrained**

*Percent of map unit:* 3 percent
*Landform:* Depressions on marine terraces, flats on marine terraces
*Down-slope shape:* Linear
*Across-slope shape:* Linear
*Hydric soil rating:* Yes

## W—Water

### Map Unit Composition

*Water:* 100 percent
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Water

#### Interpretive groups

*Land capability classification (irrigated):* None specified
*Land capability classification (nonirrigated):* 8w
*Hydric soil rating:* No

Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

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**Appendix C – Supporting Letter for Off-site Disposal of Wastewater Effluent**

Attachment: 4 P17062 -Site Narrative Combined-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)




WATER SIDE ELEVATION

ADD FOUNDATION EXPOSURE TO OVERALL DIMINSIONS FOR AN ACCURATE ASSEMENT OF THE OVERALL HEIGHT AND MEAN ROOF HEIGHT



| | |
|---|---|
| OVERALL HT 30'-7 1/2" | OVERALL HT 9'-9 1/2" |
| MRH 25'-3 1/4" | MRH 4'-10 3/4" |
| HEIGHT 20'-4 ¾" | HEIGHT 9'-0 ½" |
| FLR/CLG 11'-4 ¼" | FLR/CLG 0'-17 ¾" |
| HEIGHT 9'-10 ½" | HEIGHT 9'-0 ½" |
| FLOOR 0'-10" | TOP OF FND |

NOTE:
PORCHES, DECKS AND/OR GARAGE TO BE THE DECISION OF THE BUILDER OR OWNER PER LOCAL CODES & REQUIREMENTS.



6 UNIT CONDO LAYOUT
2 BRM/2 BATH
1120 SQ. FT. PER LIV. UNIT

**CARDINAL HOMES ®**

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FP. NUMBER
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GKW

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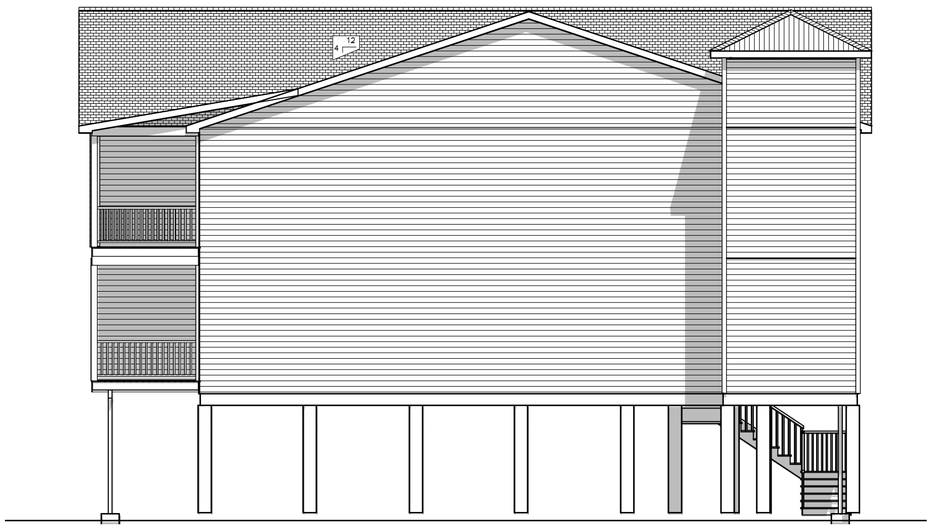
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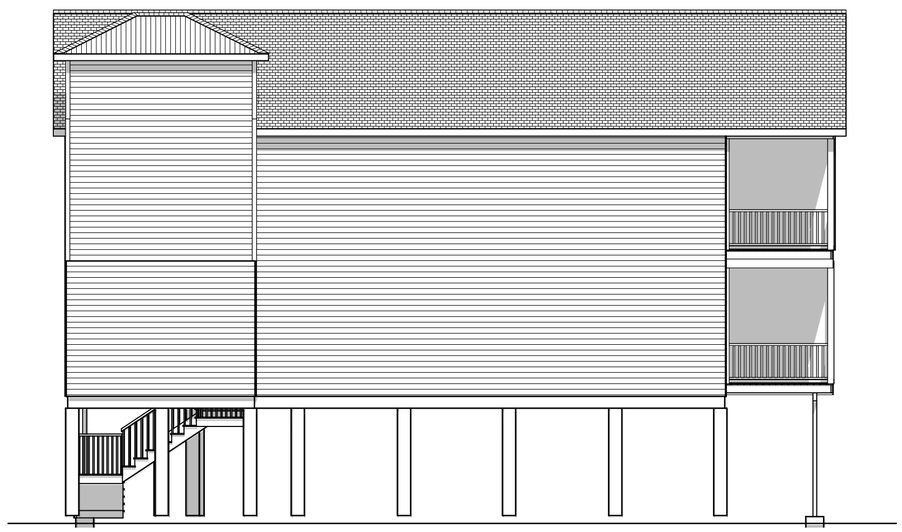
Attachment: 5 6 unit condo 9-26-18 (PB 08-48 Cape Currituck (Horgan/Mason):)




PARKING SIDE ELEVATION




LEFT ELEVATION



RIGHT ELEVATION

**6 UNIT CONDO LAYOUT**
**2 BRM/2 BATH**
1120 SQ. FT. PER LIV. UNIT

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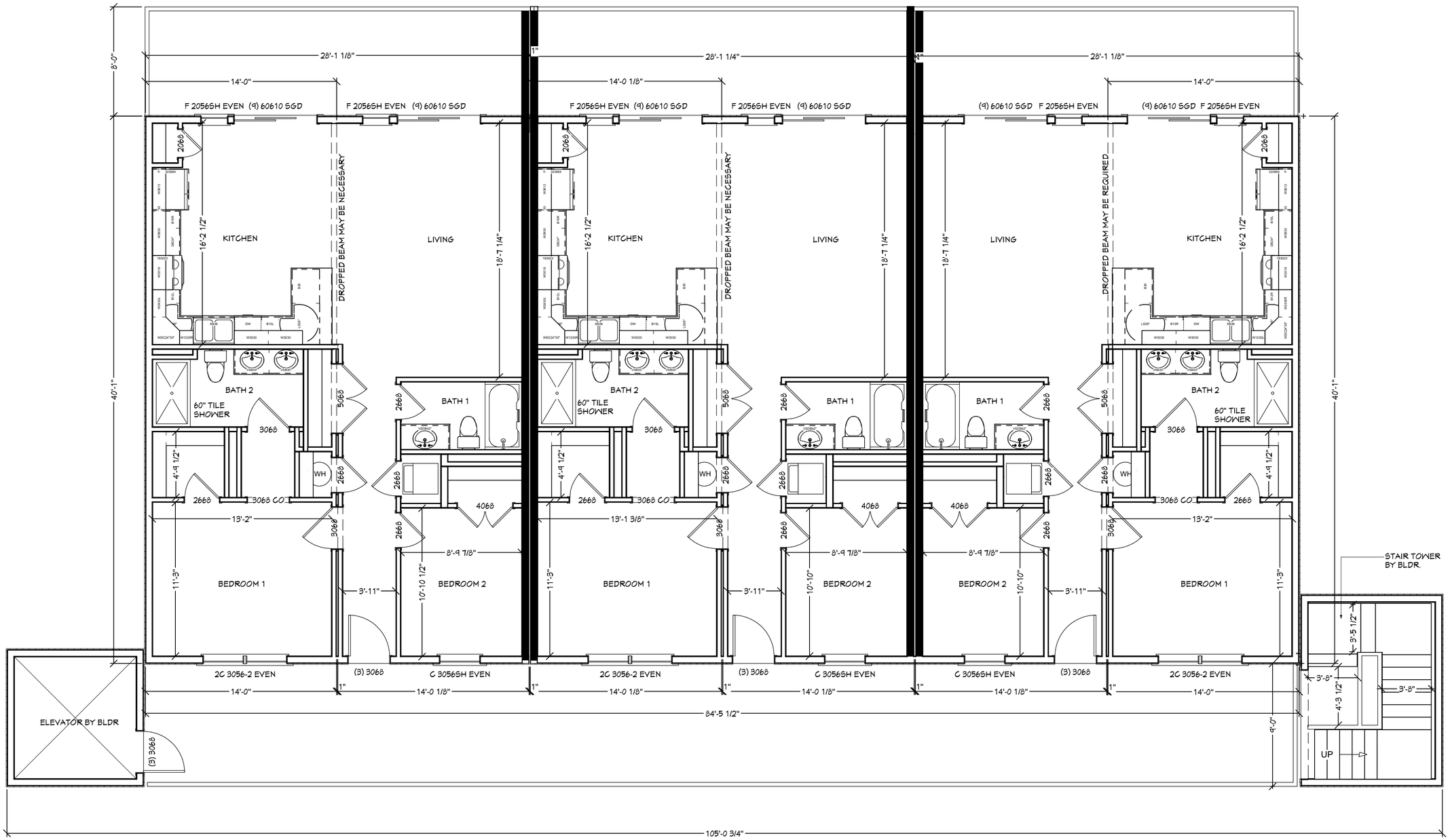
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1st Floor

**6 UNIT CONDO LAYOUT**
**2 BRM/2 BATH**
1120 SQ. FT. PER LIV. UNIT

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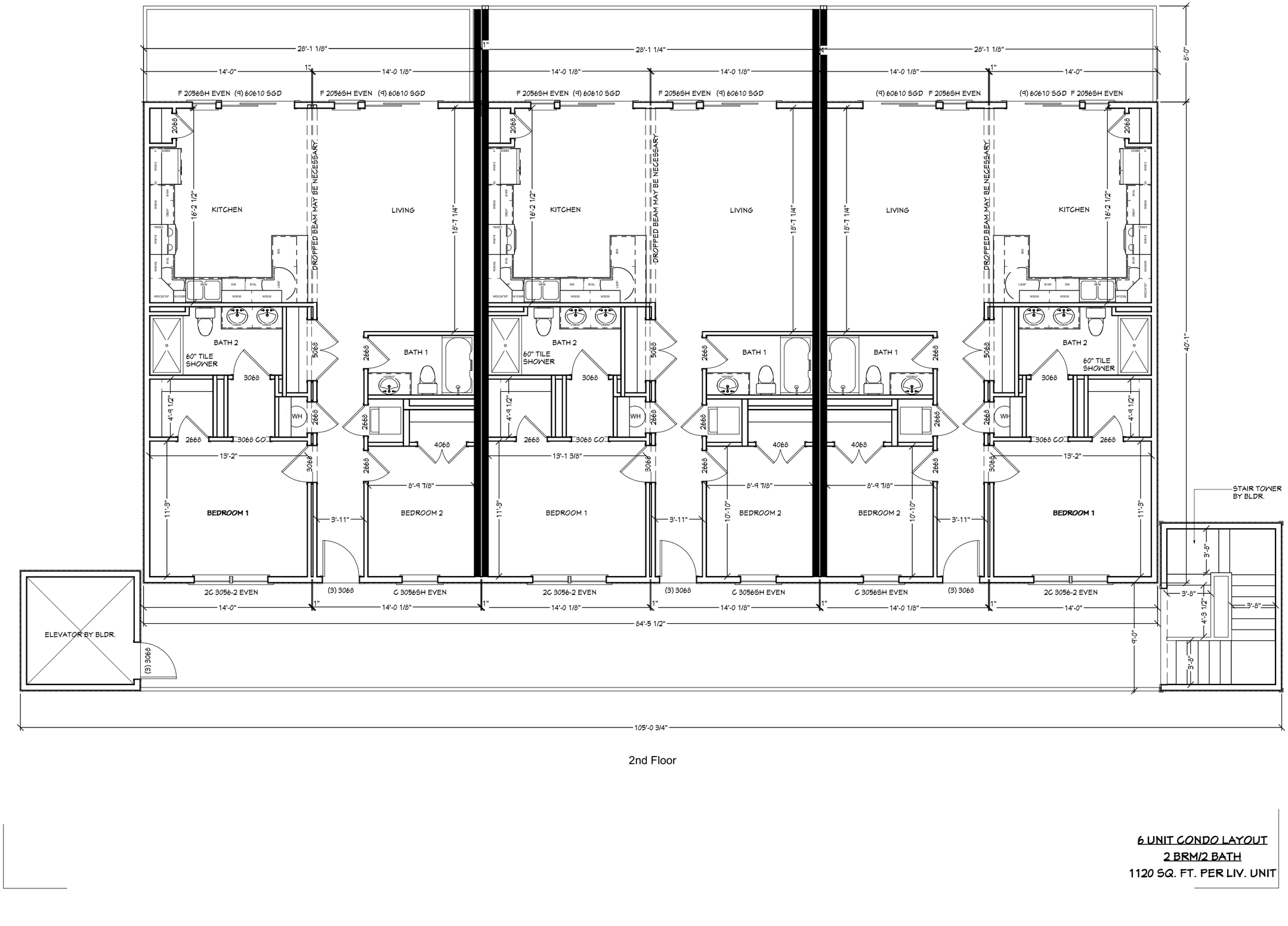
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**BUILDING LAYOUT**

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Attachment: 5 6 unit condo 9-26-18 (PB 08-48 Cape Currituck (Horgan/Mason):)




2nd Floor

6 UNIT CONDO LAYOUT
2 BRM/2 BATH
1120 SQ. FT. PER LIV. UNIT

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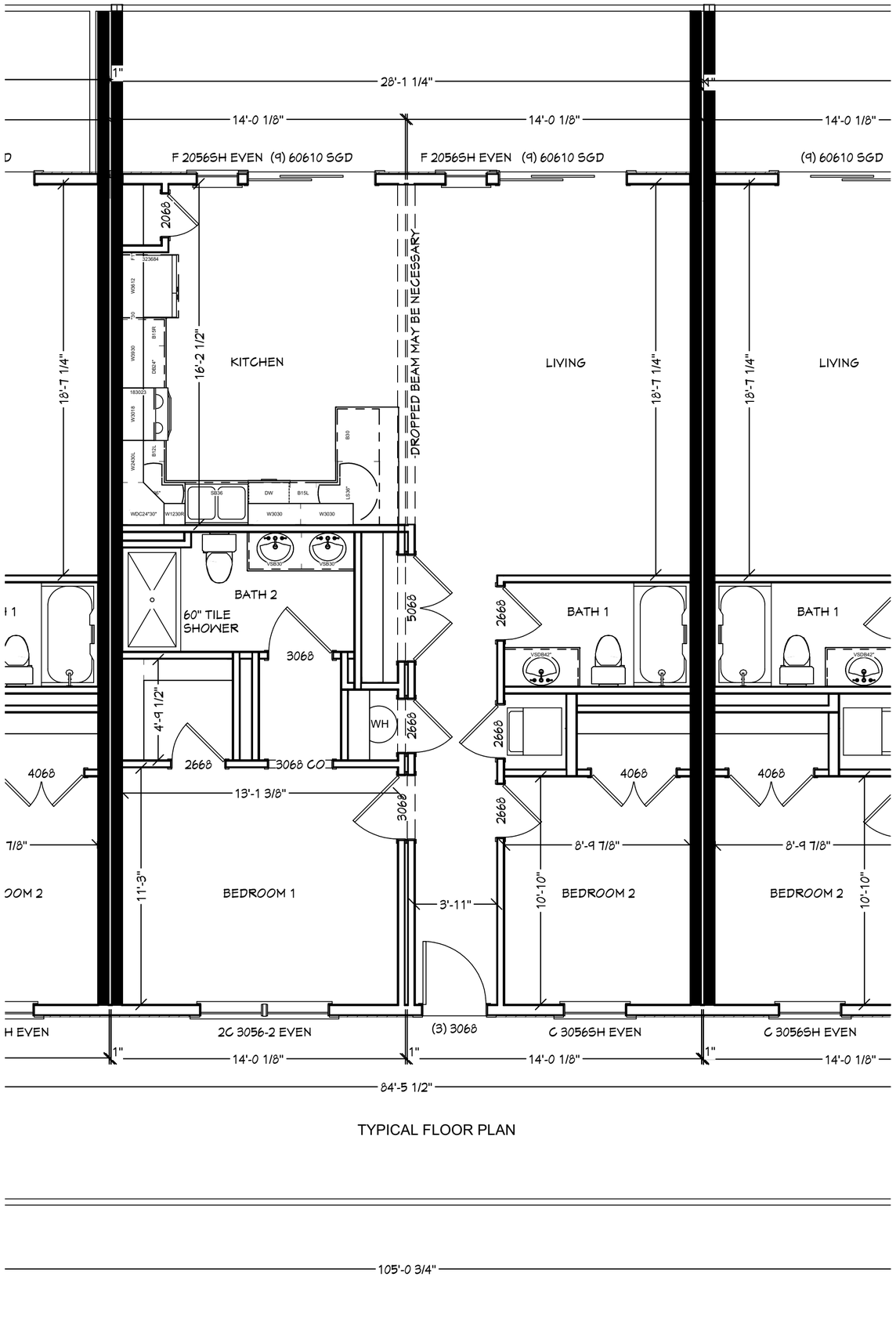
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TYPICAL FLOOR PLAN

**6 UNIT CONDO LAYOUT**
**2 BRM/2 BATH**
**1120 SQ. FT. PER LIV. UNIT**

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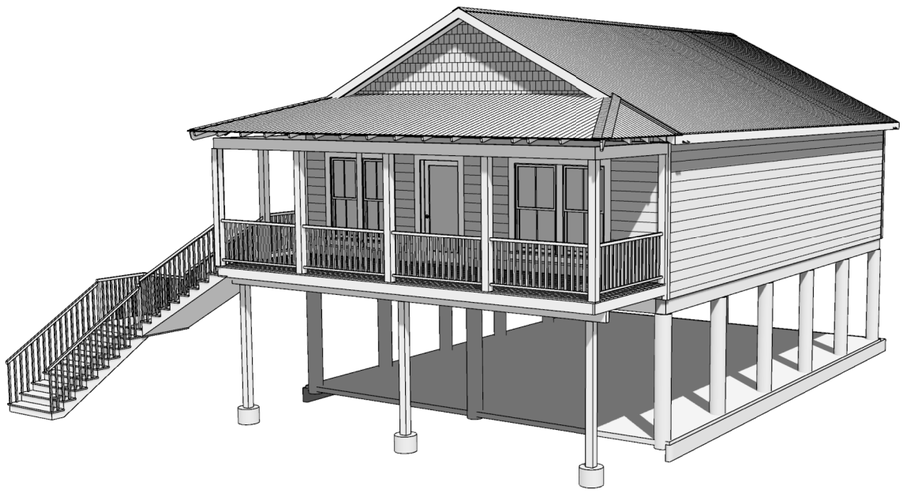
TYPICAL FLOOR PLAN

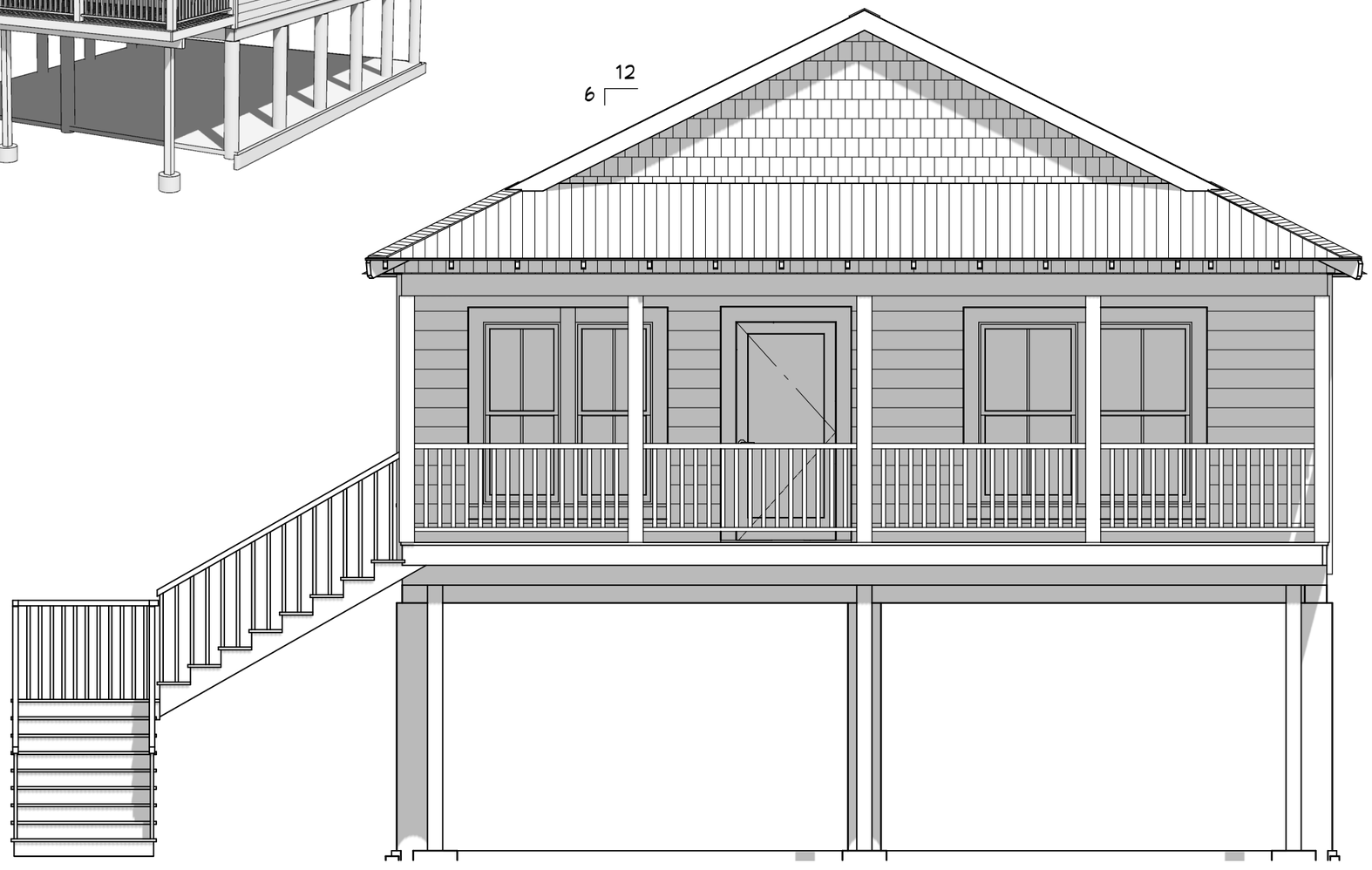
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Attachment: 5 6 unit condo 9-26-18 (PB 08-48 Cape Currituck (Horgan/Mason):)

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FRONT ELEVATION

NOTE:
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THE CURRITUCK
END DESIGN RANCH
2 BRM/2 BATH
14' MODULES
1064 LIVEABLE SQ. FT.

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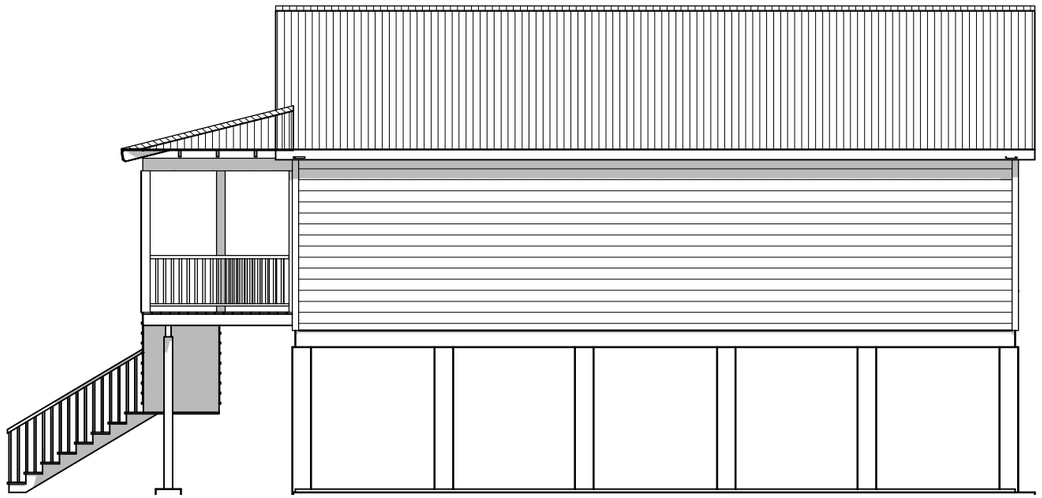
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REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

THE CURRITUCK
END DESIGN RANCH
2 BRM/2 BATH
14' MODULES
1064 LIVEABLE SQ. FT.

NOTE:
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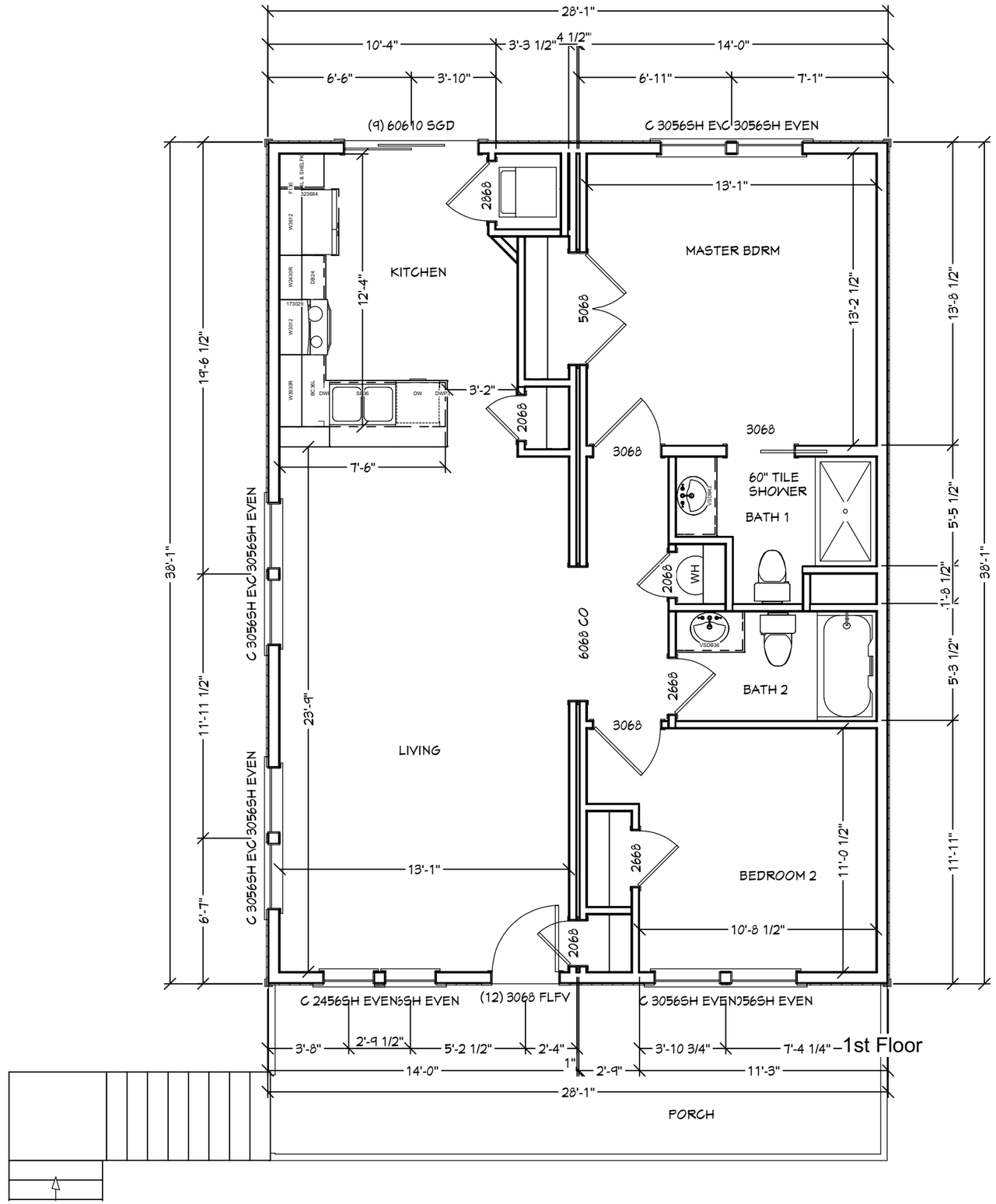
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Attachment: 6 218137-Currituck Ranch 2-26-18 (PB 08-48 Cape Currituck (Horgan/Mason):)
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**THE CURRITUCK**
**END DESIGN RANCH**
**2 BRM/2 BATH**
**14' MODULES**
**1064 LIVEABLE SQ. FT.**

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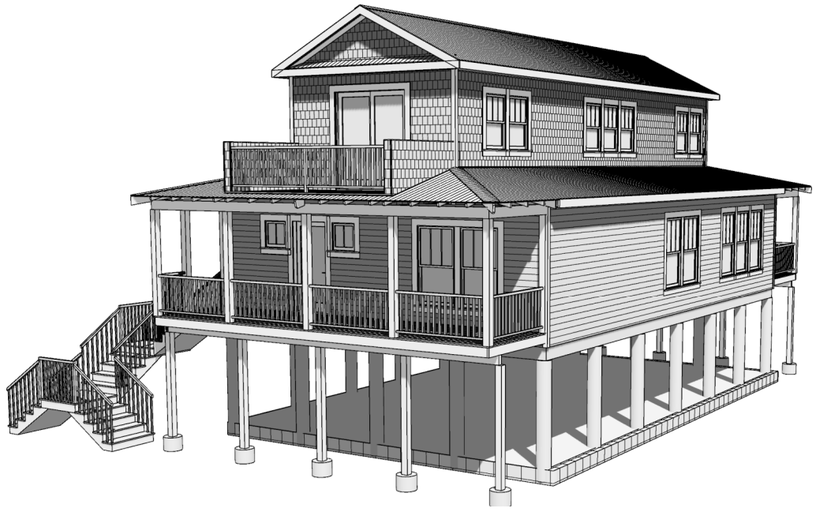
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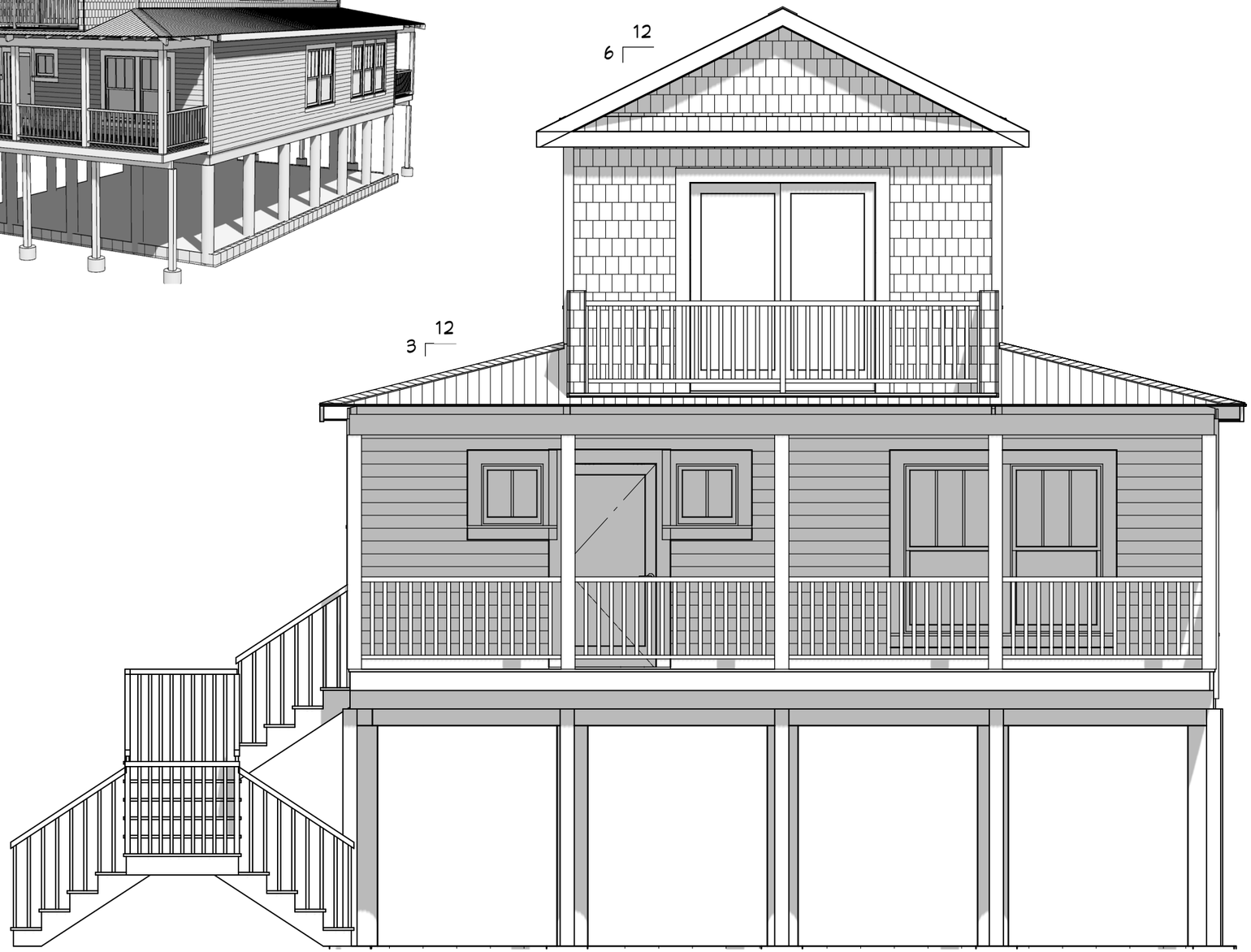
FLOOR PLAN

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FRONT ELEVATION

NOTE:
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HATTERAS-3 BRM/2.5 BATH
1232 SQ. FT. FIRST FLOOR
541 SQ. FT. SECOND FLOOR
1773 SQ. FT. LIVABLE AREA
ADDITIONAL 392 SQ. FT. PORCH
+ 98 SQ. FT. DECK

NOTE:
THESE RENDERINGS ARE AN ARTIST'S DEPICTION ONLY, MAY NOT REFLECT THE ACTUAL FINAL PRODUCT. PLAN UPDATES MAY NOT BE REFLECTED IN RENDERINGS. REFER TO THE CONSTRUCTION DOCUMENTS FOR ADDITIONAL INFORMATION. RENDERINGS SHALL NOT BE USED FOR CONSTRUCTION.

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Attachment: 7 218138-Hatteras 2 story 2-26-18 (PB 08-48 Cape Currituck (Horgan/Mason):)
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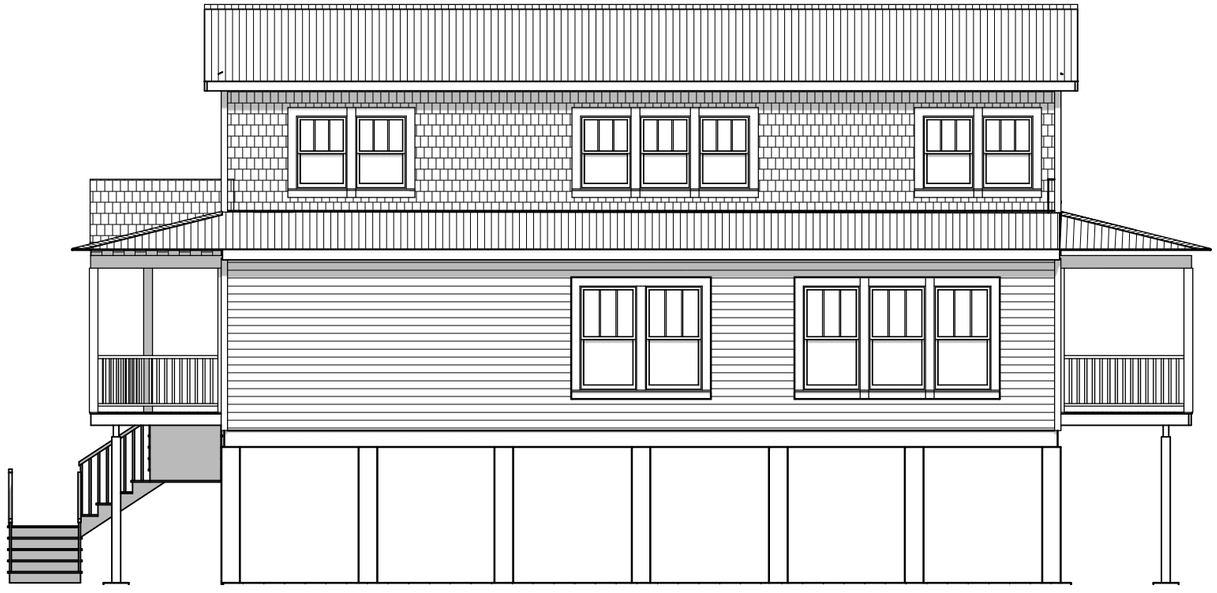
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LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

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HATTERAS-3 BRM/2.5 BATH
1232 SQ. FT. FIRST FLOOR
541 SQ. FT. SECOND FLOOR
1773 SQ. FT. LIVABLE AREA
ADDITIONAL 392 SQ. FT. PORCH
+ 98 SQ. FT. DECK

CARDINAL HOMES ®

PROJECT NO
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FP. NUMBER
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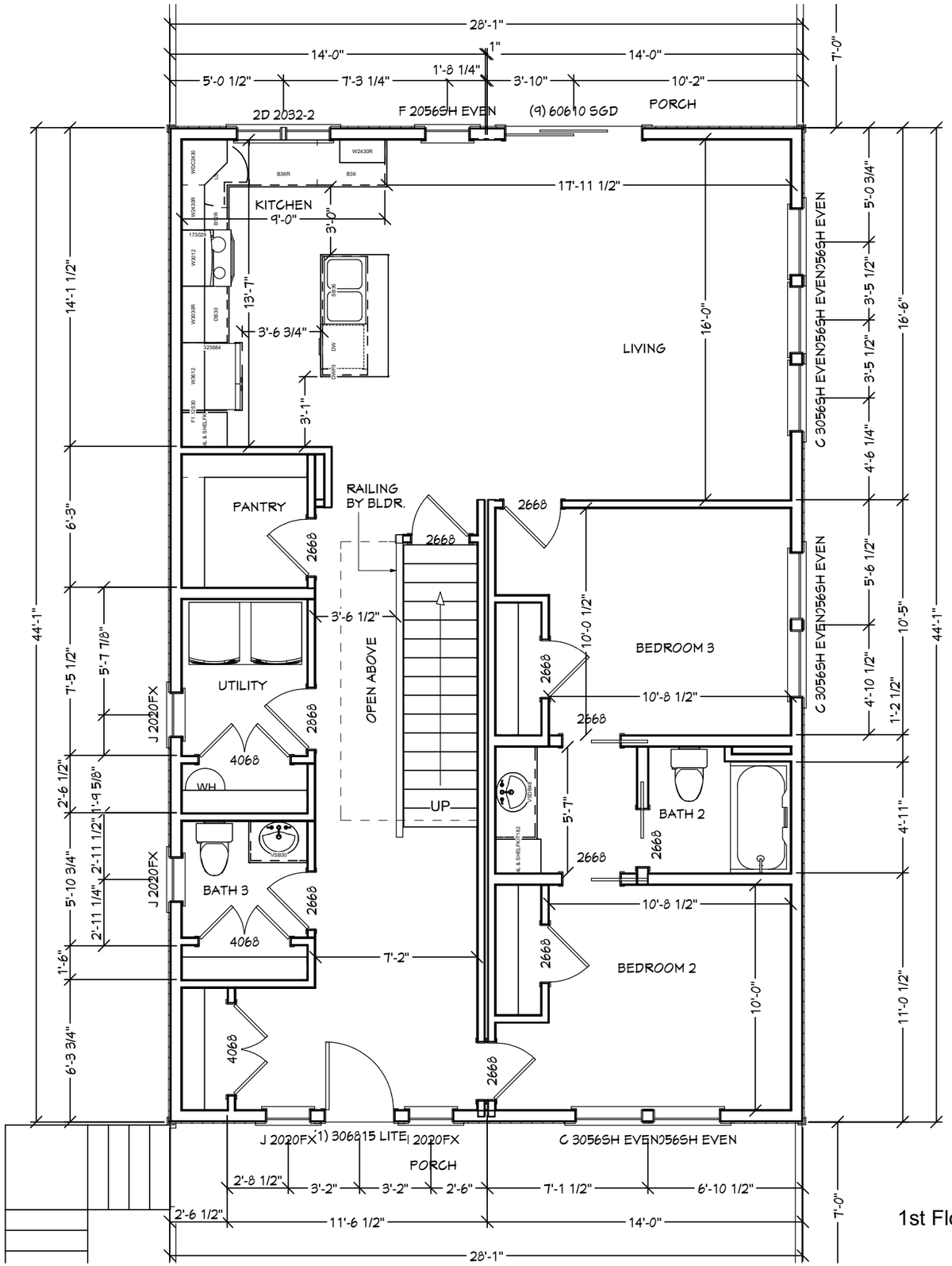
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ELEVATION

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1st Floor

HATTERAS-3 BRM/2.5 BATH
1232 SQ. FT. FIRST FLOOR
541 SQ. FT. SECOND FLOOR
1773 SQ. FT. LIVABLE AREA
ADDITIONAL 392 SQ. FT. PORCH
+ 98 SQ. FT. DECK

CARDINAL HOMES ®

PROJECT NC
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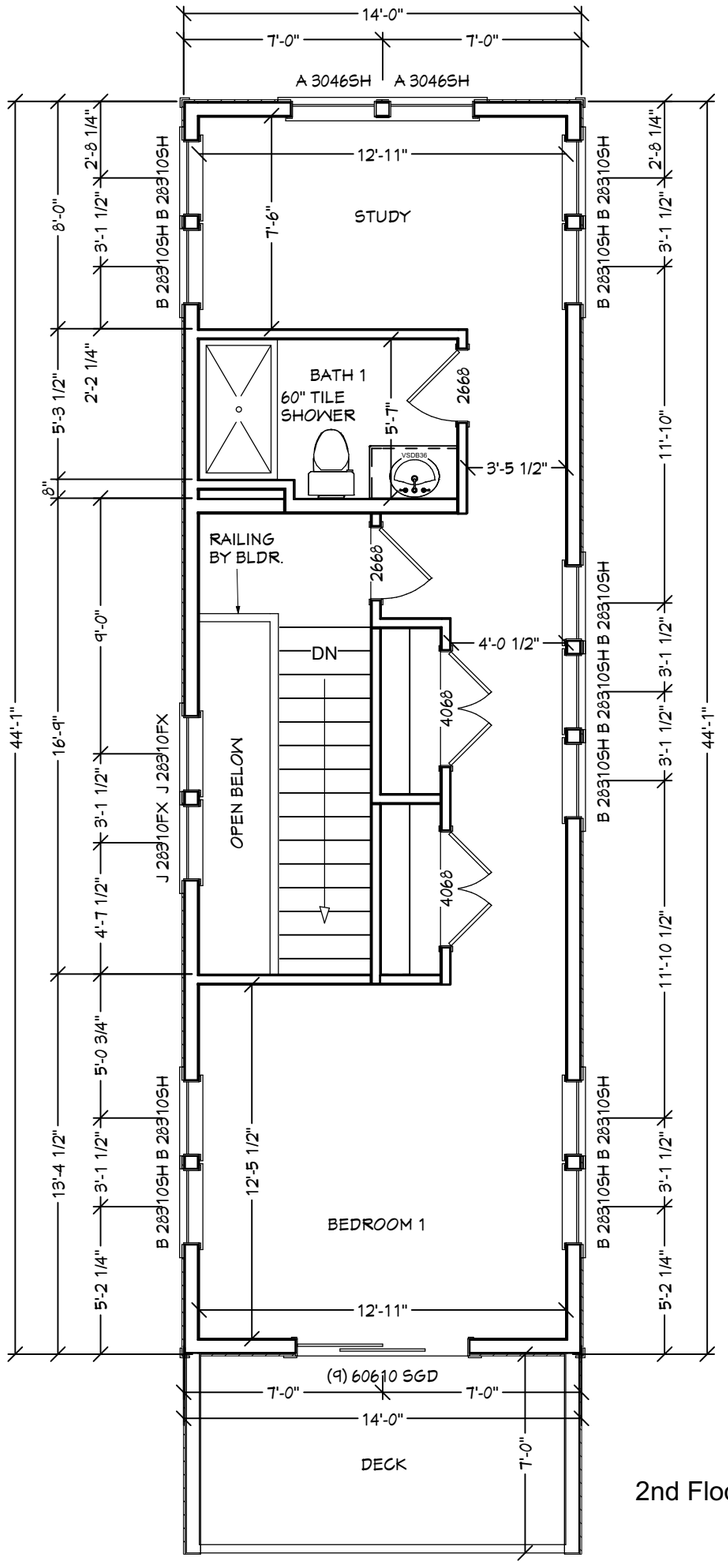
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FLOOR PLAN

SHEET:
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Attachment: 7 218138-Hatteras 2 story 2-26-18 (PB 08-48 Cape Currituck (Horgan/Mason):)




2nd Floor

HATTERAS-3 BRM/2.5 BATH
1232 SQ. FT. FIRST FLOOR
541 SQ. FT. SECOND FLOOR
1773 SQ. FT. LIVABLE AREA
ADDITIONAL 392 SQ. FT. PORCH
+ 98 SQ. FT. DECK

CARDINAL HOMES ®

PROJECT NO
-

FP. NUMBER
-

PRINT NO.
218138

DATE
7/24/17

DRAWN BY:
GKW

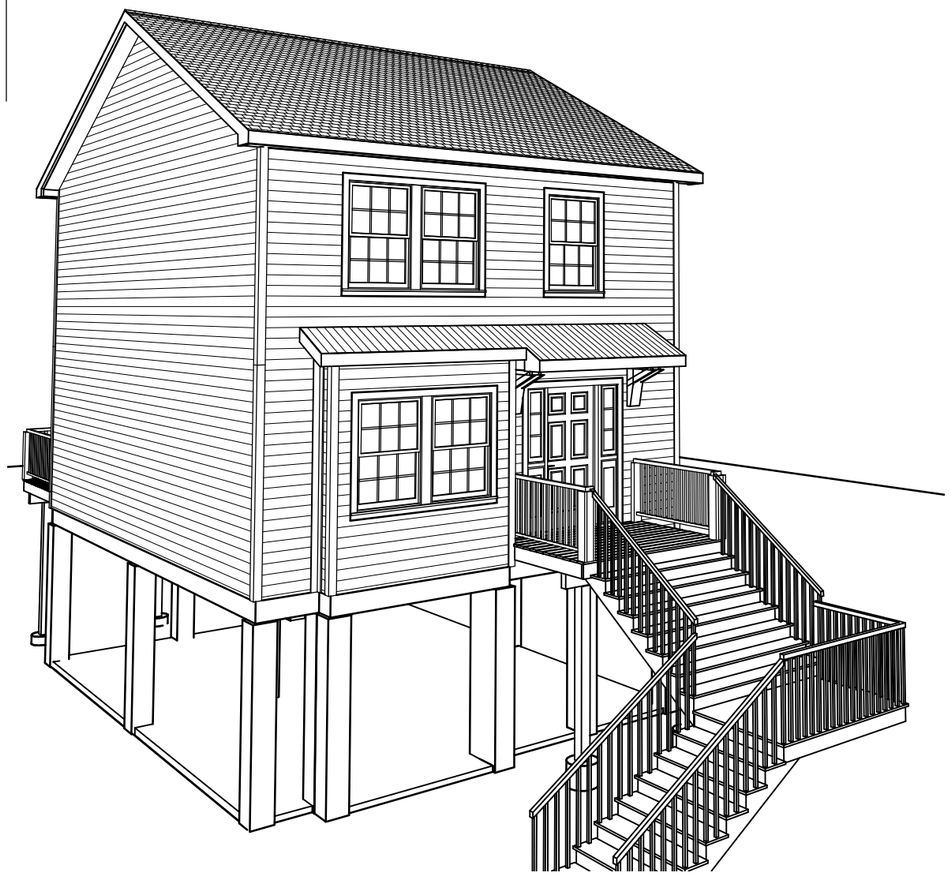
SCALE:
3/16" = 1'-0"

REVISIONS
2/26/18 GKW
-
-

FLOOR PLAN

SHEET:
2.1 OF 6

Attachment: 7 218138-Hatteras 2 story 2-26-18 (PB 08-48 Cape Currituck (Horgan/Mason):)



6/12 ROOF PITCH



NOTE:
PORCHES, DECKS AND/OR GARAGE TO BE THE DECISION OF THE BUILDER OR OWNER PER LOCAL CODES & REQUIREMENTS.

ROOF EXTENSION OVER FRONT DOOR & SUPPORT BRACKETS BY BUILDER

BASIC MODULE SET INSTRUCTIONS

THIS IS A BASIC SET OF INSTRUCTIONS TO HELP GUIDE THE SET CREW ON DAY OF SET. SET CREW SHOULD READ THE PLANS THOROUGHLY PRIOR TO SET DAY. THESE SET INSTRUCTIONS COVER THE SET ORDER AND ANY MAJOR POINTS THAT MAY NEED TO BE ADDRESSED, PROPER MODULE CONNECTIONS AND FASTENING IS NOT PART OF THESE INSTRUCTIONS. SET CREW TO FOLLOW INDUSTRY STANDARD SAFETY PRACTICES AND OSHA REQUIREMENTS.

BASIC TWO-STORY/ FINISHED CAPE
SET FIRST FLOOR MODULES
INSTALL 2X ACROSS MARRIAGE LINE DIVIDED EQUALLY
SET 2ND FLOOR MODULES
RAISE ROOF AND PULL THE KNEEWALL INTO POSITION
SET GABLE WALLS
FLIP THE UPPER PANELS
INSTALL TURN GABLES/DORMERS AS PER PLAN IF APPLICABLE
FINISH DRYING IN

FRONT ELEVATION

**STONEHINGE III**
616 SQ. FT. FIRST FLOOR
616 SQ. FT. SECOND FLOOR
1232 SQ. FT. TOTAL
**BUILDER**
**CUSTOMER -**

NOTE:
THESE RENDERINGS ARE AN ARTIST'S DEPICTION ONLY, MAY NOT REFLECT THE ACTUAL FINAL PRODUCT. PLAN UPDATES MAY NOT BE REFLECTED IN RENDERINGS. REFER TO THE CONSTRUCTION DOCUMENTS FOR ADDITIONAL INFORMATION. RENDERINGS SHALL NOT BE USED FOR CONSTRUCTION.

3.C.h

CARDINAL HOMES ®

PROJECT NO
-

FP. NUMBER
-

PRINT NO.
218165

DATE
3/29/18

DRAWN BY:
GKW

SCALE:
3/16" = 1'-0"

REVISIONS
-
-
-

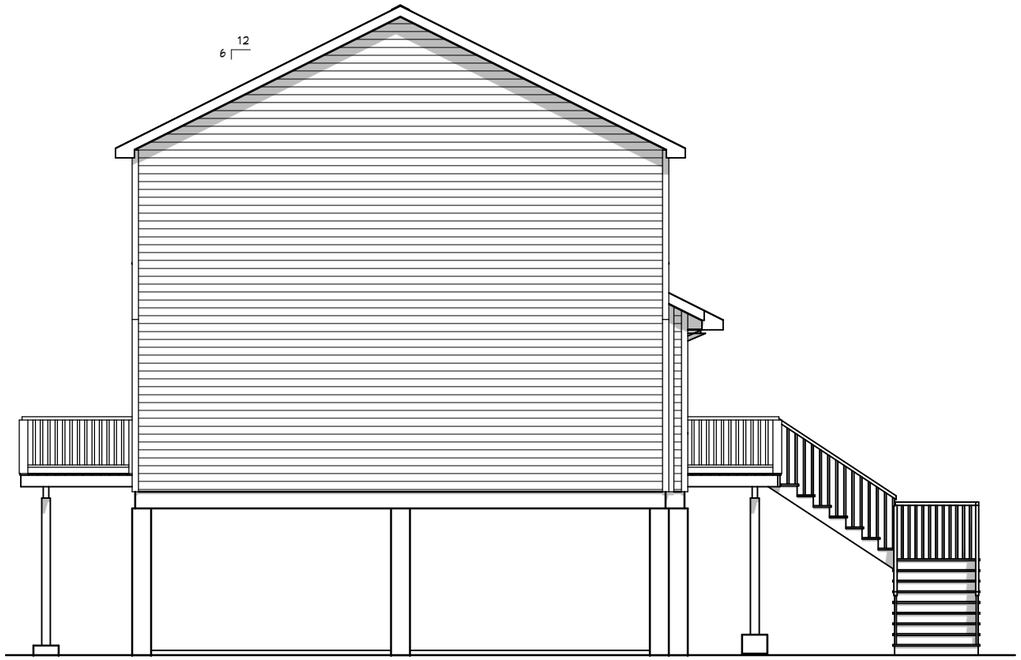
ELEVATION

SHEET:
1.0 OF 6

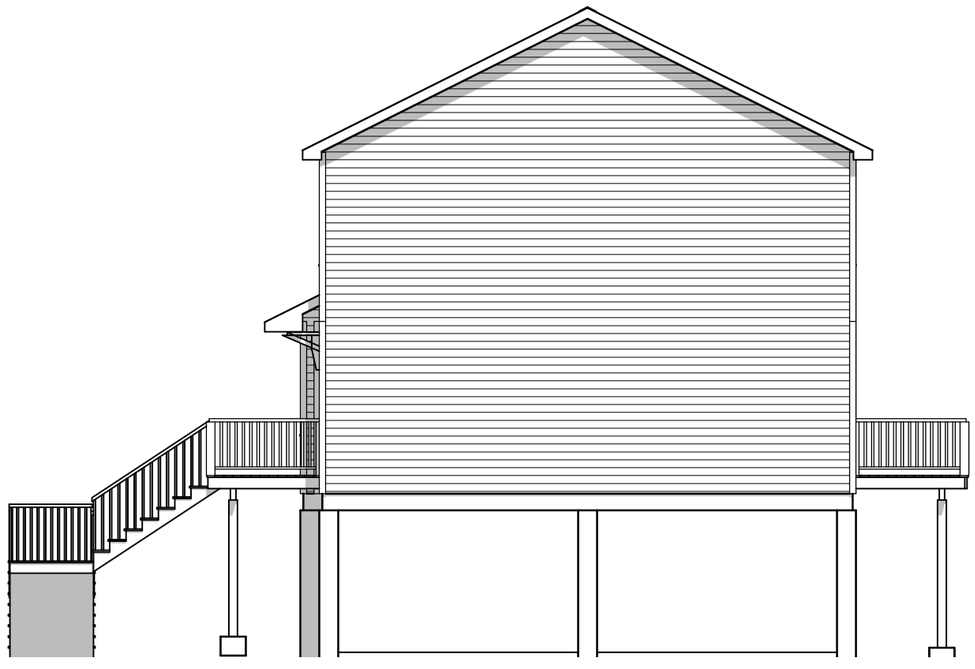
© 2018 Cardinal Homes Inc

Attachment: 8 Stonehinge III-3-29-18 (PB 08-48 Cape Currituck (Horgan/Mason):)

NOTE:
PORCHES, DECKS AND/OR GARAGE TO BE THE DECISION OF THE BUILDER OR OWNER PER LOCAL CODES & REQUIREMENTS.




LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

NOTE:
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STONEHINGE III
616 SQ. FT. FIRST FLOOR
616 SQ. FT. SECOND FLOOR
1232 SQ. FT. TOTAL
BUILDER
CUSTOMER -

CARDINAL HOMES ®

PROJECT NO
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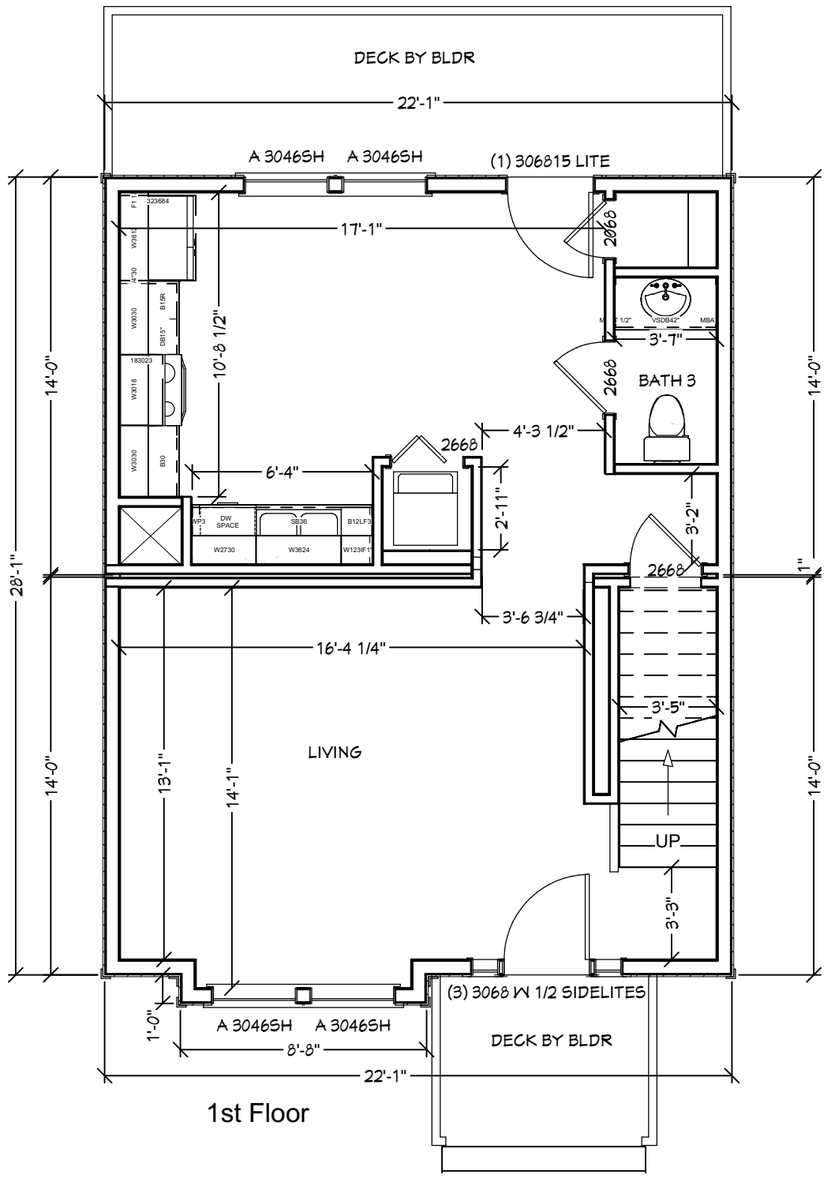
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REVISIONS
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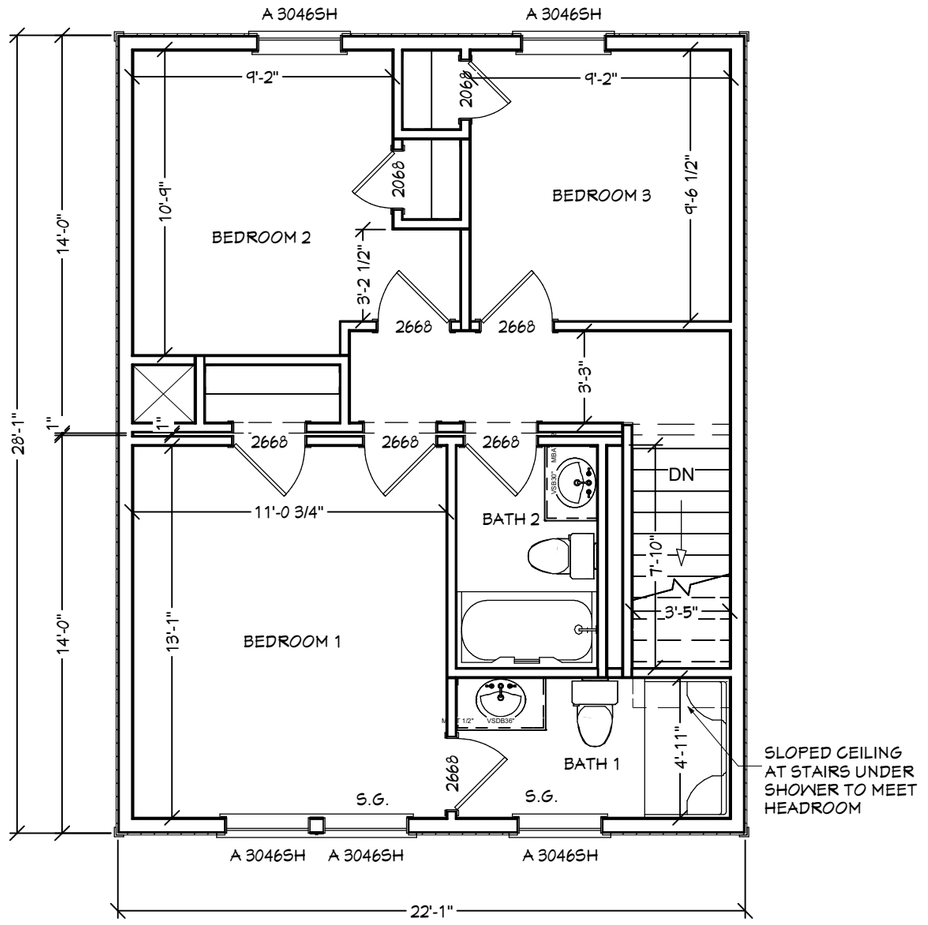
ELEVATION

SHEET:
1.1 OF 6

Attachment: 8 Stonehinge III-3-29-18 (PB 08-48 Cape Currituck (Horgan/Mason):)
© 2018 Cardinal Homes Inc




1st Floor




2nd Floor

**STONEHINGE III**
616 SQ. FT. FIRST FLOOR
616 SQ. FT. SECOND FLOOR
1232 SQ. FT. TOTAL
**BUILDER**
**CUSTOMER -**

3.C.h

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REVISIONS
-
-
-

FLOOR PLAN

SHEET:
2.0 OF 6

Attachment: 8 Stonehinge III-3-29-18 (PB 08-48 Cape Currituck (Horgan/Mason):)
© 2018 Cardinal Homes Inc

# Conditional Rezoning
## Application

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

### Contact Information

APPLICANT:
Name: Denny Horgan & Donna Mason
Address: 291 West Side Lane
Powells Point, NC 27966
Telephone: _____
E-Mail Address: _____

PROPERTY OWNER:
Name: Denny Horgan & Donna Mason
Address: 291 West Side Lane
Powells Point, NC 27966
Telephone: _____
E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

### Property Information

Physical Street Address: 291 West Side Lane Powells Point, NC
Location: Approximately a mile west of Caratoke Highway
Parcel Identification Number(s): 0112000003B0000 & 0112000003C0000
Total Parcel(s) Acreage: 120.15 acres
Existing Land Use of Property: Single Family Home

### Request

Current Zoning of Property: CD-PUD
Proposed Zoning District: CD-PUD

### Community Meeting

Date Meeting Held: 9/26/2018
Meeting Location: Currituck Senior Center

Attachment: 9 P17062 -Application-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

## 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):**

MIXED RESIDENTIAL USES, NEIGHBORHOOD SERVING RETAIL USES, RESTAURANTS, TRADITIONAL USES ASSOCIATED WITH MARINA, AND OTHER ITEMS AS CONTAINED IN THE CURRITUCK MARINA CONCEPTUAL PLAN.

**Proposed Zoning Condition(s):**

1. MAXIMUM GROSS RESIDENTIAL DENSITY SHALL NOT EXCEED 2.0 DWELLING UNITS PER ACRE.

2. NO MORE THAN 50 RESIDENTIAL DWELLING UNITS SHALL RECEIVE A CERTIFICATE OF OCCUPANCY PRIOR TO THE MARINA BEING FULLY PERMITTED AND APPROVED BY ANY LOCAL, STATE, AND FEDERAL REGULATORY OR PERMITTING AGENCY.

**SEE ATTACHED SITE NARRATIVE FOR ADDITIONAL CONDITIONS. **

An application has been duly filed requesting that the property involved with this application be rezoned from: CD-PUD (11/18/2008) to: CD-PUD

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.

Denny Horgan
Property Owner (s)

9-28-2018
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: 9 P17062 -Application-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

Conditional Rezoning Design Standards Checklist

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

# Conditional Rezoning

## Conceptual Development Plan Design Standards Checklist

Date Received: _____ TRC Date: _____

Project Name: _____

Applicant/Property Owner: _____

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

Attachment: 9 P17062 -Application-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

Conditional Rezoning Submittal Checklist

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

# Conditional Rezoning

## Submittal Checklist

Date Received: _____ TRC Date: _____

Project Name: _____

Applicant/Property Owner: _____

| Conditional Rezoning Submittal Checklist | | |
|---|---|---|
| 1 | Complete Conditional Rezoning application | ✓ |
| 2 | Application fee ($200 plus $5 for each acre or part thereof) | ✓ |
| 3 | Community meeting written summary | ✓ |
| 4 | Conceptual development plan | ✓ |
| 5 | Architectural drawings and/or sketches of the proposed structures. | ✓ |
| 6 | 2 copies of plans | ✓ |
| 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**

_____

_____

_____

Attachment: 9 P17062 -Application-2018-09-25 (PB 08-48 Cape Currituck (Horgan/Mason):)

# Currituck County
## Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2337)

**Agenda Item Title**

PB 18-23 Fost Tract:

**Brief Description of Agenda Item:**

Rezone 228.83 acres from Agricultural (AG) to Planned Development - Residential (PD-R) on property located in Moyock on the west side of Caratoke Highway, north of Ranchland Subdivision, PIN 0015-000-0086-0000, Moyock Township.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Tammy Glave,

**Presenter of Agenda Item**

Tammy Glave

# STAFF REPORT
# PB 18-23 FOST TRACT
# PLANNING BOARD
## DECEMBER 11, 2018

| APPLICATION SUMMARY | |
|---|---|
| **Property Owner:**<br>Sandra Davis Fost and Iris Ann O'Connor<br>121 Soundshore Dr<br>Currituck NC 27929 | **Applicant:**<br>Allied Properties LLC<br>417 Caratoke Hwy Unit D<br>Moyock NC 27958 |
| **Case Number:** PB 18-23 | **Application Type:** Planned Development |
| **Parcel Identification Number:**<br>0015-000-0086-0000 | **Existing Use:** Cultivated Farmland |
| **Land Use Plan Classification:** Full Service | **Parcel Size (Acres):** 228.83 |
| **Moyock Small Area Plan Classification:**<br>Limited Service | **Zoning History:** 1989 (A), 1974 (A-40), 1970 and 1971 (RA-20) |
| **Current Zoning:** AG | **Proposed Zoning:** PD-R |
| **Request:** Rezone 228.83 acres from Agricultural (AG) to Planned Development – Residential (PD-R) on property located in Moyock on the west side of Caratoke Highway, north of Ranchland Subdivision, PIN 0015-000-0086-0000, Moyock Township. | |

## REQUEST

### NARRATIVE

The applicant's objective is "to build a community that has a creative design, providing a mix of different residential uses in close proximity to one another, while at the same time providing an efficient use of open space that promotes an active lifestyle and strong sense of community. Limited, small scale commercial uses are proposed, primarily to serve the needs of the residents in this development." The proposal includes a total of 513 dwelling units with a mix of townhomes and conventional single-family homes. The proposal also includes up to 22,000 sf of neighborhood commercial located on the street level of townhome units and approximately 85 acres of open space. Recreational amenities include a clubhouse, recreational area, a multi-use path that traverses the site, and sidewalks on both sides of all streets with appropriate crossings at intersections. There is also a designated utility area near the back of the property that will include a private sewer package plant.

### COMMUNITY MEETING

A community meeting was held on August 21, 2018 at the Moyock Library. Primary comments and concerns were regarding drainage, school impacts, traffic, sheriff/fire/social services impacts, and parking. Several residents were interested in the neighborhood commercial component.

Attachment: 1 Fost PD-R PB Staff Report (PB 18-23 FOST TRACT)

| SURROUNDING PARCELS | | |
|---|---|---|
| | **Land Use** | **Zoning** |
| North | Single-family dwellings, retail | AG, GB, SFM |
| South | Single-family dwellings, cultivated farm land | 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 proposed plan is consistent with some policies in the plan; however, it is <u>inconsistent</u> with the following policy of the plan:** | |
| Policy HN1 | Currituck County shall encourage development to occur at densities appropriate for the location.<br>Notes:<br>• The adjoining subdivision, Ranchland, to the east has a significantly lower density (.58 units/acre) and larger lots (1.44 acre average lot size) than that of the proposed development at 2.25 units per acre and approximately .33 acres average lot size. While a buffer is proposed, there is concern that the lot size and density of the proposed development is incompatible with the existing neighborhood.<br>• The applicant calls out several recently approved subdivisions with densities and lot sizes similar to this request. Each of those subdivisions is further north of this development in the targeted growth area for higher density in Moyock, where county water and wastewater are available.<br>• Public sewer is not available to this property and an adjoining subdivision to the south (AKA “Auto Auction Property”) was recently denied a connection to the county wastewater system because this is not a targeted growth area for Moyock. |
| Policy NH1 | The county recognizes the risk to life and property that exist within SPECIAL FLOOD HAZARD AREAS that may be inundated during major storm events. The county will continue taking measures to mitigate these risks and will avoid taking any action in these areas that materially increase risks to life and property.<br>• It should be noted that the newly adopted flood maps remove this property from an AE 5.4’ flood zone to the X flood zone; however, flooding on the front of the property has been documented with significant rain events.<br>• Even though the property has been removed from the flood zone, the CAMA Planning Objective for Natural Hazard areas is to develop policies that minimize threats to life, property, and natural resources resulting from development located in or adjacent to hazard areas, such as those subject to erosion, high winds, storm surge, FLOODING, or sea level rise. |

| 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. <u>The project is above the allowable densities in the plan at 2.25 units per acre.</u> The proposed plan is consistent with some policies of the plan; however, it is <u>inconsistent</u> with the following policies of the plan:** | |
| Policy FLU1 | Promote compatibility between new development and existing development to avoid adverse impacts to the existing community.<br>Notes:<br>• The adjoining subdivision, Ranchland, to the east has a significantly lower density (.58 units/acre) and larger lots (1.44 acre average lot size) than that of the proposed development at 2.25 units per acre and approximately .33 acres average lot size. While a buffer is proposed, there is concern that the lot size and density of the proposed development is incompatible with the existing neighborhood.<br>• The applicant calls out several recently approved subdivisions with densities and lot sizes similar to this request. Each of those subdivisions is further north of this development in the targeted growth area for higher density in Moyock, where county water and wastewater are available. |
| Policy CC1 | 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.<br>Note:<br>• The future land use map of the Moyock Small Area Plan does not allow development of this density in this location.<br>• Staff agrees with the applicant that the map should be used in conjunction with the entire plan and not weighted as more important than the vision, policies, or other recommendations. Staff used the map to determine the future land use designation (Limited Service) and used that designation to review the plan to determine the vision, policies, and actions for the subject area. |
| Policy B12 | Encourage well planned mixed use developments to include a range of intensities and diverse housing types…. Large scale mixed use projects should be carefully located in areas supported by the future land use map and adequately served by infrastructure and county services.<br>Note:<br>• This location is not supported by the future land use map at the intensity proposed in this mixed use project.<br>• The applicant calls out several recently approved subdivisions with densities and lot sizes similar to this request. Each of those subdivisions is further north of this development in the target growth area for higher density in Moyock, where county water and wastewater are available. |

## RECOMMENDATION

### Technical Review Committee

The Technical Review Committee recommends **denial** of the Planned Development – Residential rezoning subject to the following conditions:

1. It is inconsistent with the Land Use Plan.
2. It is inconsistent with the Moyock Small Area Plan.
3. It is inconsistent with review standards from Section 2.4.3.C of the UDO.

## 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 zoning request is inconsistent with the following review standards from Section 2.4.3.C. of the UDO:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance;
- Is in conflict with any provision of this Ordinance, or the County Code of Ordinances;
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- Adversely impacts nearby lands;
- Would result in a logical and orderly development pattern;
- Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
- Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.

It is not reasonable and not in the public interest because policies in county plans set expectations that land owners, investors, and residents rely upon when determining home locations, business locations, etc. It is not reasonable or in the public interest to have a plan with set standards and then allow a development that is contrary to that plan.

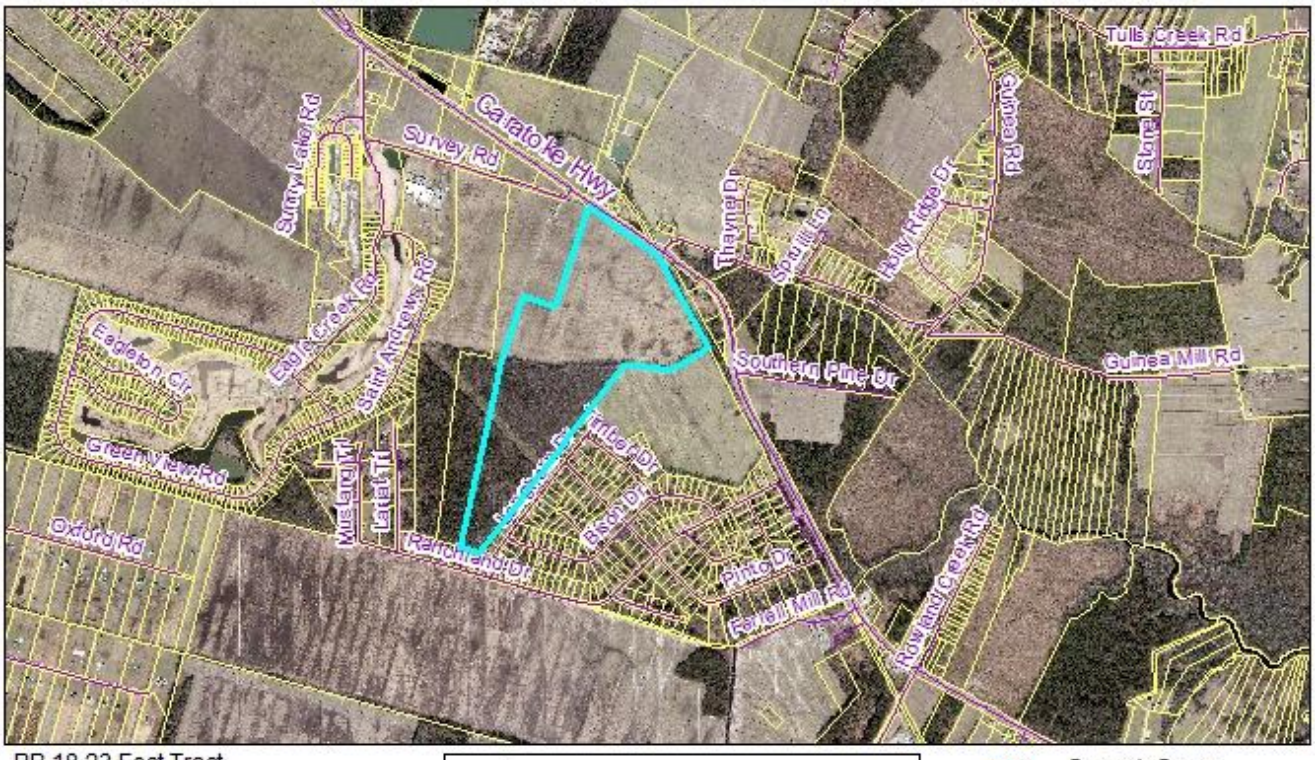
## UNC SCHOOL OF GOVERNMENT BLOG "What if a Proposed Rezoning Is Inconsistent With Our Plan" by David Owens

**"While a local government has the legal authority to act inconsistently with their plan, the question of whether and when they should do so is a more complicated question. This is a policy choice for the board. A prudent government board carefully considers the comprehensive plan before deciding on a rezoning. If the board is going to act contrary to the policies set forth in the plan, it must explain why. After all, the plan was presumptively based on solid technical analysis, broad public participation, and has been used by land owners, investors, and residents as a guide for future land uses. The policies in the plan often create a set of expectations that many citizens may be relying upon."**

**REZONING/SIMULTANEOUS COMPREHENSIVE PLAN AMENDMENT PROCESS AND CAMA LAND USE PLAN AMENDMENT REQUIREMENTS**

**Staff is concerned that approving this project in conflict with the Land Use Plan would then automatically amend the Land Use Plan. See attached letter dated September 25, 2017 from Mike Lopazanski, Acting Assistant Director, Division of Coastal Management. "Session Law 2017-10 (SB 131) revised the requirements in G.S. §153A-341 and 160A-383 concerning statements a governing board shall adopt when considering a zoning on or after October 1, 2017. Under the changes in the new law, a governing board's statement of approval for a zoning amendment will also be deemed an amendment to the comprehensive plan and the governing board shall not require any additional request or application for amendment to the comprehensive plan. As used in the section, a comprehensive plan includes a unified development ordinance and any other applicable officially adopted plan."**

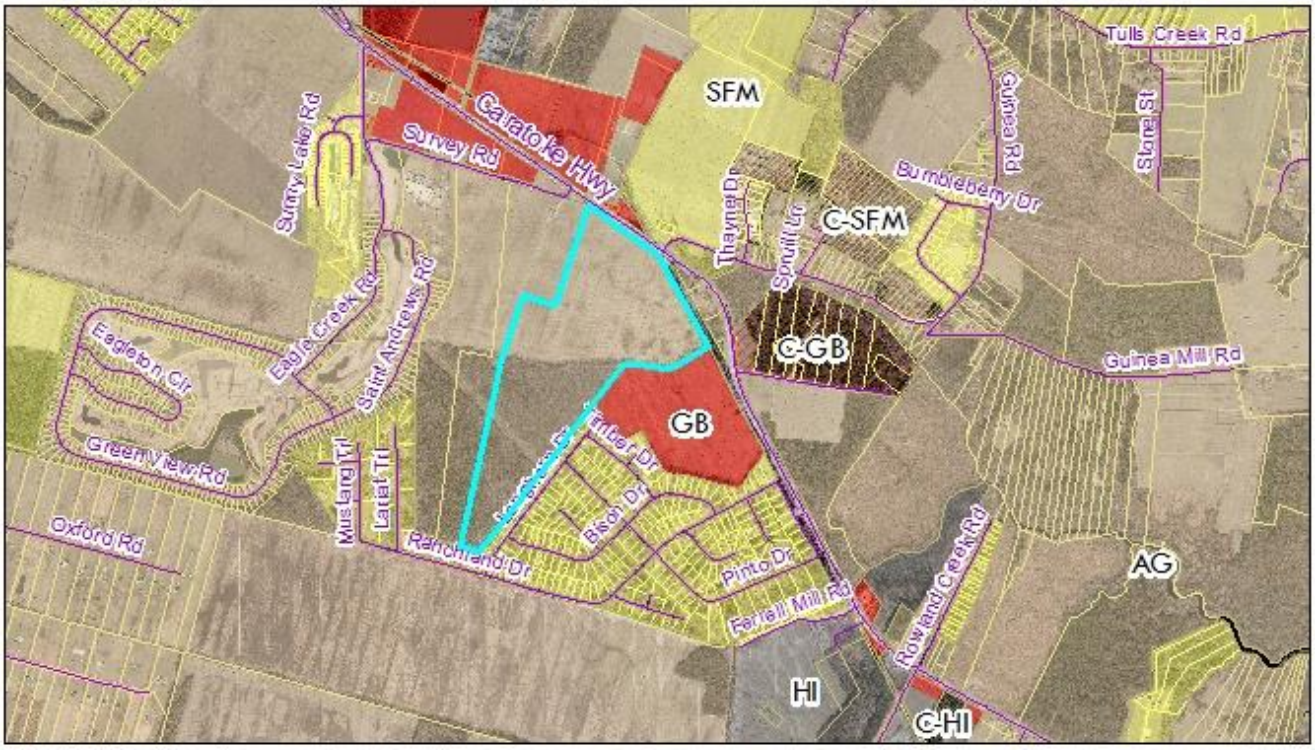
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/planning-board-minutes-current.cfm



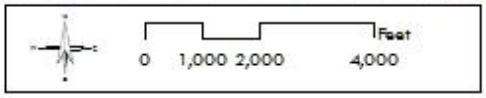

PB 18-23 Fost Tract
PD-R Rezoning
2016 Aerial Photography

Currituck County
Planning and
Community Development

Attachment: 1 Fost PD-R PB Staff Report (PB 18-23 FOST TRACT)

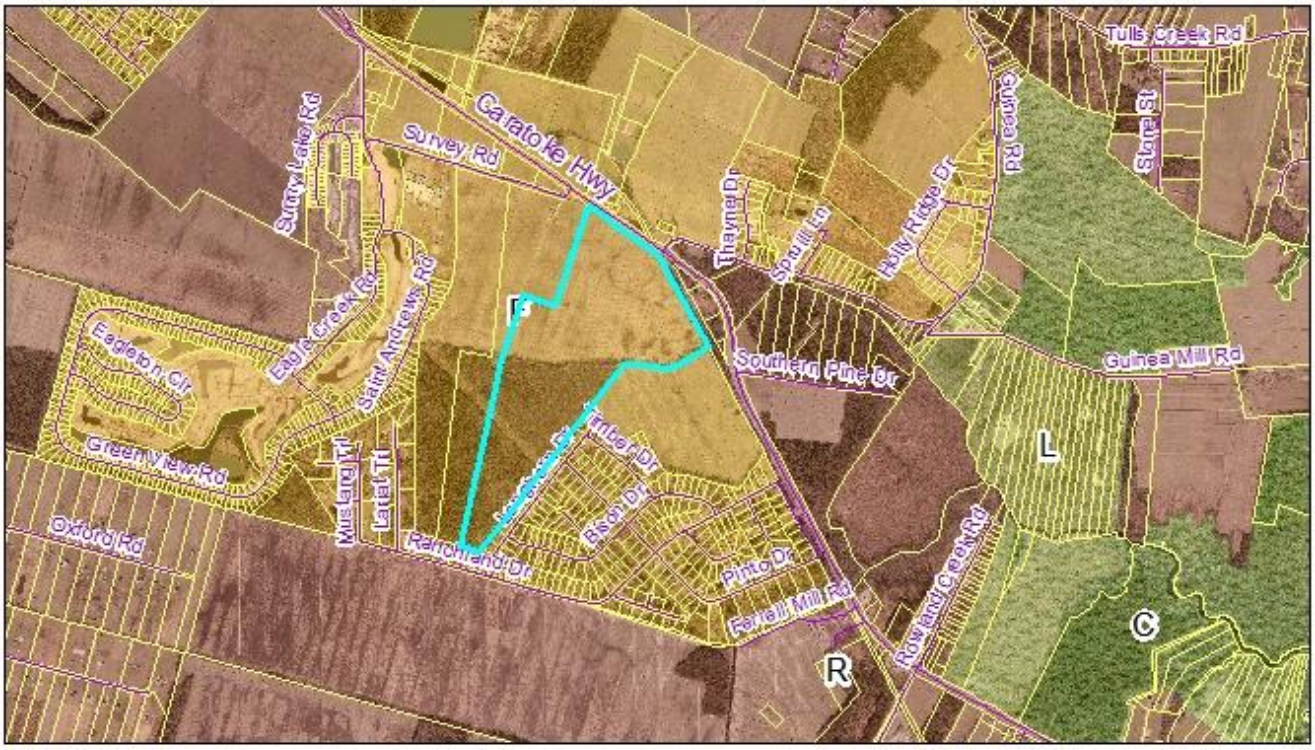



PB 18-23 Fost Tract
PD-R Rezoning
Zoning




Currituck County
Planning and
Community Development

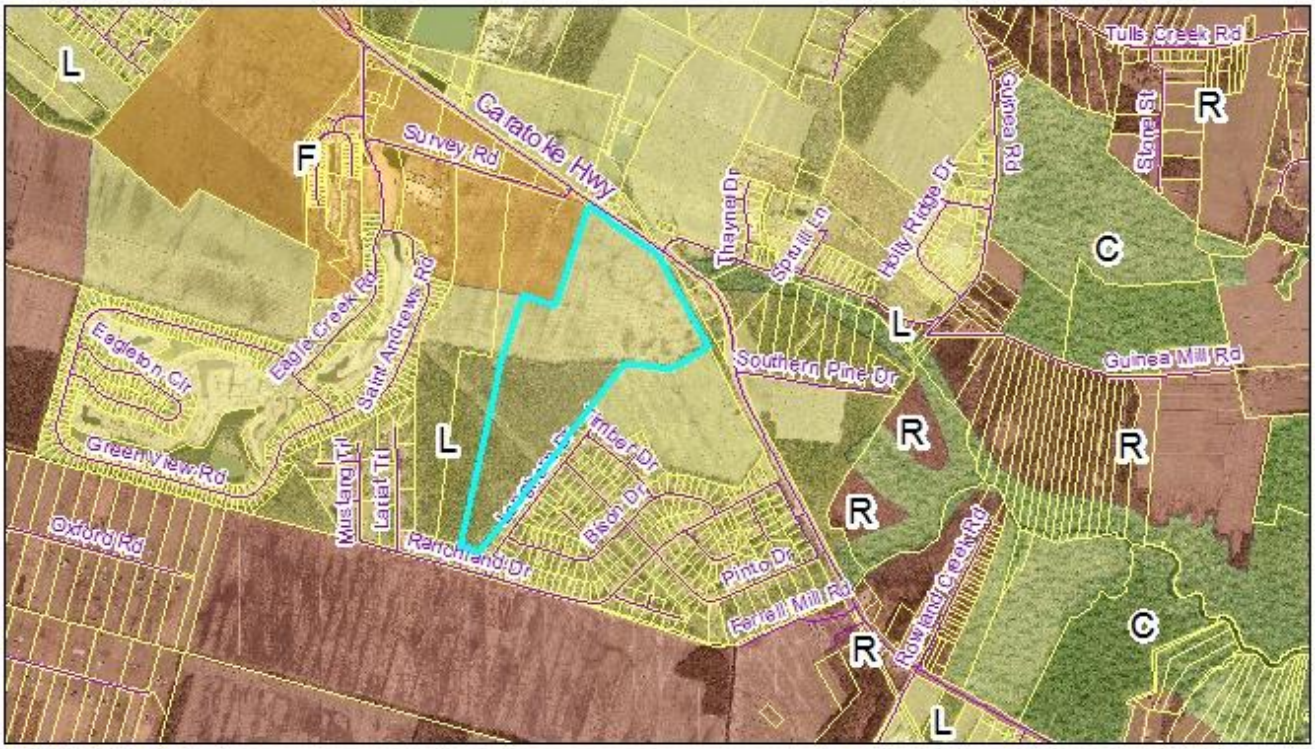
Attachment: 1 Fost PD-R PB Staff Report (PB 18-23 FOST TRACT)




PB 18-23 Fost Tract
PD-R Rezoning
2006 LUP

0 1,000 2,000 4,000 Feet

Currituck County
Planning and
Community Development




PB 18-23 Fost Tract
PD-R Rezoning
Moyock Small Area Plan

0 1,000 2,000 4,000 Feet

Currituck County
Planning and
Community Development

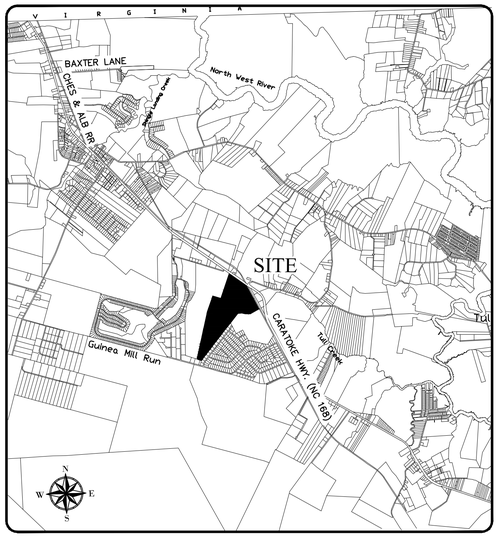
Attachment: 1 Fost PD-R PB Staff Report (PB 18-23 FOST TRACT)

# THE FOST TRACT

## PLANNED DEVELOPMENT - RESIDENTIAL

## PRELIMINARY MASTER PLAN

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA




VICINITY MAP SCALE: 1" = 5,000'

GENERAL DEVELOPMENT NOTES

1. PROPERTY OWNER: SANDRA D. FOST & IRIS A. O'CONNOR
121 SOUNDSHORE DRIVE
CURRITUCK, NC 27929

2. APPLICANT: ALLIED PROPERTIES, LLC
417-D CARATOKE HIGHWAY
MOYOCK, NC 27958

3. PROPERTY DATA: ADDRESS: CARATOKE HIGHWAY, MOYOCK, NC 27958
PIN: 0015-000-0086-0000
RECORD: D.B.13, PG:E/12
ACREAGE: 228.83 ACRES

4. ZONING: EXISTING: AGRICULTURAL (AG)
PROPOSED: PLANNED DEVELOPMENT - RESIDENTIAL (PD-R)

**OBJECTIVE:**

**To build a community that has a creative design, providing a mix of different residential uses in close proximity to one another, while at the same time providing an efficient use of open space that promotes an active lifestyle and strong sense of community. Limited, small scale commercial uses are proposed, primarily to serve the needs of the residents in this development.**

| SHEET | DESCRIPTION |
|---|---|
| 1 | COVER SHEET & DEVELOPMENT NOTES |
| 2 | DEVELOPMENT SETTING/CONTEXT |
| 3 | DEVELOPMENT OVERVIEW - RENDERED VERSION |
| 4 | DEVELOPMENT OVERVIEW - AUTOCAD VERSION |
| 5 | PRELIMINARY DEVELOPMENT PHASING OVERVIEW |
| 6 | PRELIMINARY DEVELOPMENT UTILITY OVERVIEW |

Bissell Professional Group
Firm Number C-0910
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Post Office Box 1666
Kitty Hawk, North Carolina 27949
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FAX (252) 261-1760
BISSELL PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

COVER SHEET
DEVELOPMENT NOTES

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REVISIONS

| NO. | DATE | DESCRIPTION | BY |
|---|---|---|---|
| 1 | 10/22/18 | RESUBMIT - PDR, TRC | KFW |

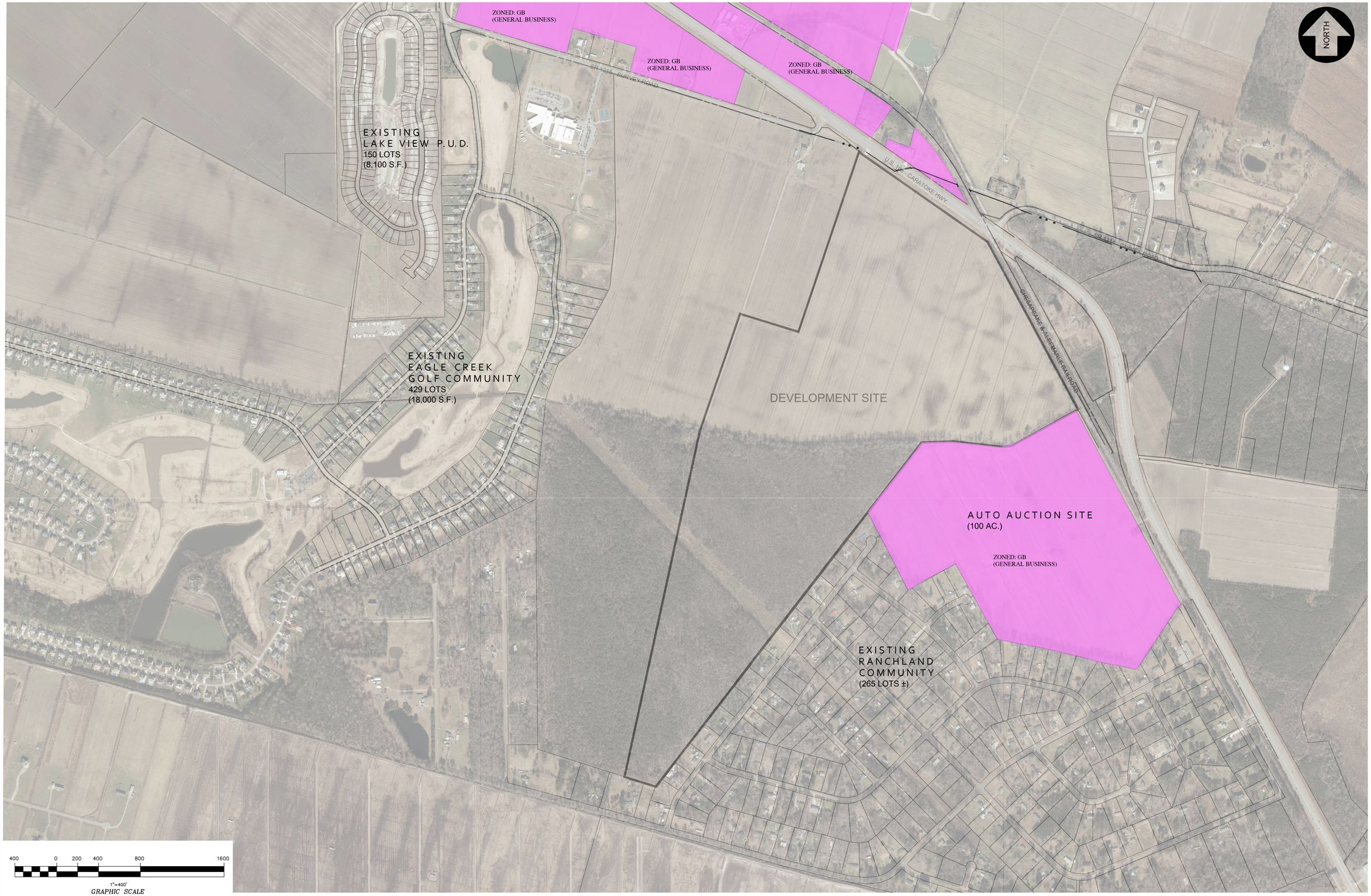
PROJECT:
THE FOST TRACT PD-R
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA
PRELIMINARY MASTER PLAN

PROGRESS DRAWING
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|---|---|
| DATE: 08/23/18 | SCALE: AS NOTED |
| DESIGNED: BPG | CHECKED: MSB |
| DRAWN: KFW/DMK | APPROVED: BPG |
| SHEET: 1 OF 6 | |
| CAD FILE: 465100SK2 | |
| PROJECT NO: 4651 | |

Attachment: 2 11-21-18_FOST MASTER PLAN SET Resubmittal (PB 18-23 FOST TRACT)

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and Environmental Specialists
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P.O. Box 390
Kitty Hawk, North Carolina 27949
(252) 261-3031
FAX (252) 261-1760

DEVELOPMENT SETTING
(CONTEXT)

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PROJECT:
THE FOST TRACT PD-R
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PRELIMINARY MASTER PLAN

| NO. | DATE | DESCRIPTION | BY |
|---|---|---|---|
| 1 | 10/26/18 | RESUBMITTAL #2 | BPG |

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| DATE: 08/23/18 | SCALE: 1" = 400' |
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| DRAWN: KFW/DMK | APPROVED: BPG |

SHEET: 2 OF 6
CAD FILE: 465100SK2
PROJECT NO: 4651

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Attachment: 2 11-21-18. FOST MASTER PLAN SET Resubmittal (PB 18-23 FOST TRACT)



Example Model Home

FLOREZ DESIGN STUDIOS, INC.
PO Box 172 5138 Caratoke Highway
Point Harbor, NC 27964
Tel: 252-491-8883
Email: info@florezandflorez.com
www.florezplans.com



Street Scape Perspective

FLOREZ DESIGN STUDIOS, INC.
PO Box 172 5138 Caratoke Highway
Point Harbor, NC 27964
Tel: 252-491-8883
Email: info@florezandflorez.com
www.florezplans.com






Club House Perspective

FLOREZ DESIGN STUDIOS, INC.
PO Box 172 5138 Caratoke Highway
Point Harbor, NC 27964
Tel: 252-491-8883
Email: info@florezandflorez.com
www.florezplans.com



Street Scape Perspective

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Street Scape Perspective

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1

| PROJECT NO. | DRAWING FILE | SHEET | DRAWN | CHECKED | DATE | SCALE |
|---|---|---|---|---|---|---|
| 4651 | 4651009SK2 | 3 of 6 | KFW | BPG | 10/22/18 | 1" = 200' |

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| NO. | DATE | DESCRIPTION | BY |
| 1 | 10/20/18 | RESUBMIT AFTER TRC | KFW |

PROJECT:

# THE FOST TRACT PD-R

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

## PRELIMINARY MASTER PLAN

DEVELOPMENT OVERVIEW

RENDERED VERSION

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Bissell Professional Group
Firm License # C-956
3512 North Croatan Highway
P.O. Box 1068
Kitty Hawk, North Carolina 27949
(252) 261-3266
FAX (252) 261-1760

| DEVELOPMENT SUMMARY | | |
|---|---|---|
| AREA | SQUARE FEET | ACRES |
| OVERALL TRACT | 9,967,835± | 228.83± |
| OPEN SPACE | 3,777,210 | 86.71± |
| RIGHT-OF-WAY | 1,335,427 | 30.66± |
| DEVELOPED | 4,258,426 | 97.76± |
| UTILITY | 596,772 ± | 13.70± |

## LEGEND

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




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Fuquay-Varina, NC 27526
Kitty Hawk, North Carolina 27949
FAX (252) 261-1760
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DEVELOPMENT OVERVIEW
AUTOCAD VERSION

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PROJECT:
THE FOST TRACT PD-R
NORTH CAROLINA
MOYOCK TOWNSHIP CURRITUCK COUNTY

PRELIMINARY MASTER PLAN

| REVISIONS | | | |
|---|---|---|---|
| NO. | DATE | DESCRIPTION | BY |

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| DATE: 08/23/18 | SCALE: 1" = 200' |
| DESIGNED: BPG | CHECKED: MSB |
| DRAWN: KFW/DMK | APPROVED: BPG |

SHEET: 4 OF 6
CAD FILE: 465100SK2
PROJECT NO: 4651

Attachment: 2 11-21-18. FOST MASTER PLAN SET Resubmittal (PB 18-23 FOST TRACT)

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**PHASING SCHEDULE**

| PHASE | AREA (AC.) | DEVELOPMENT INTENSITY (D.U./Ac) | 2-SIDED T.H. | TND T.H. | TND S.F. | CONV. S.F. | TOTAL | OTHER IMPROVEMENTS |
|---|---|---|---|---|---|---|---|---|
| 1 | 22.8 | 3.07 | 32 | 11 | 23 | 4 | 70 | Rowland Creek Improvements |
| 2 | 26.5 | 1.70 | -- | -- | 18 | 27 | 45 | Main Lake |
| 3 | 13.8 | 2.54 | -- | 14 | 21 | -- | 35 | Village Green & Clubhouse |
| 4 | 16.8 | 3.51 | -- | 26 | 10 | 23 | 59 | Up to 22,000 SF Neighborhood Commercial |
| 5 | 11.2 | 2.96 | -- | -- | 20 | 13 | 33 | Swimming Pool |
| 6 | 20.1 | 3.33 | 40 | -- | -- | 27 | 67 | Multi-Use Path |
| 7 | 17.8 | 4.10 | -- | 40 | -- | 33 | 73 | |
| 8 | 35.9 | 1.67 | -- | -- | 29 | 31 | 60 | |
| 9 | 24.4 | 1.52 | -- | -- | -- | 37 | 37 | |
| 10 | 25.8 | 1.32 | -- | -- | -- | 34 | 34 | |
| Utility | 13.7 | 0 | — | — | — | — | — | |
| TOTALS | 228.8 | 2.24 | 72 | 91 | 121 | 229 | 513 | |




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Engineering & Surveying
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FAX (252) 261-1760

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Engineers, Planners, Surveyors and Environmental Specialists

PRELIMINARY DEVELOPMENT
PHASING OVERVIEW

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PROJECT:
THE FOST TRACT PD-R
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PRELIMINARY MASTER PLAN

REVISIONS

| NO. | DATE | DESCRIPTION | BY |
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| DRAWN: KFW/DMK | APPROVED: BPG |

SHEET: 5 OF 6
CAD FILE: 465100SK2
PROJECT NO: 4651

Attachment: 2 11-21-18_FOST MASTER PLAN SET Resubmittal (PB 18-23 FOST TRACT)

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Kitty Hawk, North Carolina 27949
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PRELIMINARY DEVELOPMENT
DRAINAGE & UTILITY OVERVIEW

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THE FOST TRACT PD-R
NORTH CAROLINA
MOYOCK TOWNSHIP CURRITUCK COUNTY

PRELIMINARY MASTER PLAN

REVISIONS

| NO. | DATE | DESCRIPTION | BY |
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SHEET: 6 OF 6
CAD FILE: 465100SK2
PROJECT NO: 4651

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Attachment: 2 11-21-18. FOST MASTER PLAN SET Resubmittal (PB 18-23 FOST TRACT)

SEE BOUND DOCUMENT IN AGENDA PACKET WITH THIS COVER.





FOST TRACT
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

# PLANNED DEVELOPMENT - RESIDENTIAL

PREPARED BY:

**BISSELL PROFESSIONAL GROUP**
**3512 N. CROATAN HWY.**
**P.O. BOX 1068**
**KITTY HAWK, NC 27949**
**(252)-261-3266**

Updated November 26, 2018

BPG Project 4651





Attachment: 3 SEE BOUND DOCUMENT IN AGENDA PACKET WITH THIS COVER (PB 18-23 FOST TRACT)

**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, Allied Properties, LLC

**From:** Tammy D. Glave, CZO
Senior Planner

**Date:** August 13, 2018

**Re:** Fost Property, PD-R Rezoning Request

Following are the comments received to date for the Fost property for the September 19, 2018 Technical Review Committee (TRC) meeting. ***Since the county is under a state of emergency due to the impending hurricane, not all staff is available to comment at this time. You will receive additional comments at the TRC meeting.*** In order to be placed on the October 9, 2018 Planning Board agenda, all outstanding TRC comments must be received by September 24, 2018. TRC comments are valid for six months. Please let me know if you have any questions. Thanks.

**Planning (Tammy Glave, 252-232-6025)**

Recommendation of Denial:

1. The Moyock Small Area Plan (MSAP) classifies this property as Limited Service on the Future Land Use Map (FLUM). Limited Service designations are to be less intensely developed than Full Service and emphasis is more on residential development and densities with low to moderate densities allowed. The MSAP limits residential densities in this designation of a range between 1-1.5 units per acre. This development is exceeding allowable densities.
2. The FLUM is a guide that outlines a desired general patter of development; however, the boundaries of the different land uses shown are definitive and reflect transitions from one land use to another. One of the purposes of the different use classifications is to buffer incompatible uses. Limited Service is a transition zone between Full Service and Rural to avoid conflict in incompatible uses.

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

Reviewed with comment:

Fire

1. Needed Fire Flow for construction is determined by the ISO method.
2. No new construction can occur that creates a Needed Fire Flow greater than the available fire flow on site.
3. A fire hydrant must be within 400’ of all exterior portions of the structure. 600’ if the structure has NFPA 13 sprinkler system installed.
4. Fences/barriers must not impede the fire hydrant access to site.
5. Gates/entrances to sites must be 20’ clear width.

Attachment: 4 Fost Tract TRC Comments 9-19-18 (PB 18-23 FOST TRACT)

6. The fire apparatus must be able to come within 150’ of all exterior portions of the structures. 200' if the structure has NFPA 13 sprinkler system installed.
7. Fire apparatus must not have to back up on an access road greater than 150’ without a turnaround as indicated in appendix D of the NC Fire Code. The backing of 150’ should be measured in a straight line.
8. Fire apparatus access must be at least 20’ wide 13’ 6” in height. Maximum slope shall not exceed 10%.
9. All portions of the fire apparatus access must be capable of 75,000lbs under all weather conditions.
10. By general statue parking is not allowed within 15’ of a fire hydrant. (FDC) Fire hydrants must be within 500’ of all road frontages.
11. Cul de sacs must be 96’ in width curb to curb at the center of the cul de sac.
12. Dwellings greater than 4800 sq. ft. and/or greater than 2 stories will be calculated using the ISO commercial method.
13. Dwellings 4800 sq. ft. and no greater than 2 stories may use set-backs as indicated in the ISO method to determine Needed Fire Flow.
14. Other Considerations for Determining Needed Fire Flow (NFF)
    a. When the subject building or exposure buildings have a wood-shingle roof covering and ISO determines that the roof can contribute to spreading fires, ISO adds 500 gpm to the NFF.
    b. The maximum NFF is 12,000 gpm. The minimum NFF is 500 gpm.
    c. ISO rounds the final calculation of NFF to the nearest 250 gpm if less than 2,500 gpm and to the nearest 500 gpm if greater than 2,500 gpm.
    d. For 1- and 2-family dwellings not exceeding 2 stories in height, ISO uses the following needed fire flows for a duration of 1 hour:
15. DISTANCE BETWEEN BUILDINGS More NEEDED FIRE FLOW
    a. More than 30 feet 500 gpm
    b. 0 – 10 feet 750 gpm
    c. 21 – 30 feet 1,000 gpm
    d. 11 – 20 feet 1500 gpm

Inspections

1. Cluster mail box location (ADA compliant)
2. Curb cut at side walk locations for street crossing with detectable warning devices
3. Structures will need to meet building codes. Further discussion at TRC

**Currituck County Code Enforcement (Stacey Smith, 252-232-3027**

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

**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 (Will Creef, 252-232-3360)**

**Currituck County Southern Outer Banks Water System (Benjie Carawan, 252-453-2620)**
Reviewed without comment.

Attachment: 4 Fost Tract TRC Comments 9-19-18 (PB 18-23 FOST TRACT)

**Currituck County Water Department (Yama Jones, 252-232-2769)**

**Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)**
Reviewed with comment:

1. CONSULT WITH KEVIN CARVER RS AT 252-232-6603 CONCERNING WASTEWATER APPROVAL FOR THIS PROPOSED FUTURE DEVELOPMENT.

**NC Division of Coastal Management (Charlan Owens, 252-264-3901)**
Reviewed without comment.

**US Post Office (Moyock)**
Contact the local post office to determine required method of mail delivery.

**Comments Not Yet Received from:**

**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.

Attachment: 4 Fost Tract TRC Comments 9-19-18 (PB 18-23 FOST TRACT)

**Second Community Meeting Summary**

# Fost Planned Development - Residential

**Tuesday, August 21, 2018**

**Scheduled Time/Place: 6:00 pm, Moyock Library, Moyock, NC**

**Meeting Began at approximately 6:10 pm and Ended at approximately 8:10 pm**

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

Sandy & Mike Fost, Landowners
Justin Old, Developer
Mark Bissell, Engineer

**Overview:**

A second community meeting was held on August 21, 2018 at the Moyock Library at 6:00 pm. This meeting was also reasonably well attended and sign-in sheets area attached.

Since several neighbors were present who had missed the first community meeting, an overview of the development concept and goals was provided along with a description of the housing and building types that are being proposed and the development schedule. An overview was also provided of the County development approval process. The following questions and comments were made (there was an openly hostile neighbor present, so the questions and comments are separated into two categories, those that came from the hostile neighbor, and those that came from everyone else):

| Comments from the Hostile Neighbor | How Addressed |
|---|---|
| How many community meetings are there going to be and are you just trying to have meetings until nobody comes? | We are having a second community meeting because we have additional information to provide, particularly with regard to a drainage analysis that we have been working on. |
| Why are you building low income housing that will be a burden to the taxpayers of Currituck County? | As can be seen from these renderings, this will not be low income housing but an upscale development, and the goal is for the development to be self-sustaining. |
| Who is going to pay to lower the pipe under the highway that goes to Guinea Road? | No one is aware of the need to lower a pipe. If this were necessary it would customarily be taken care of NCDOT. |
| Who's going to pay for the impact on schools? | The hope is that additional tax revenue and fees generated by the development will cover the cost of educating students. |
| How much traffic will the project generate? | Using NCDOT guidelines, average daily traffic counts are expected to reach approximately 4,000 at buildout in 10 to 15 years. NCDOT has indicated that the highway can accommodate this level of traffic at the proposed connection location. |

Attachment: 5 8-21-18 Community Meeting Minutes Updated (PB 18-23 FOST TRACT)

| | |
|---|---|
| You won't be able to get permission to snag or make any drainage improvements downstream in Rowland Creek | Mr. Jennings who owns property downstream was present and verbally granted approval. |
| Stormwater ponds don't work they only put more water in the ground that comes out in the ditches nearby | The purpose of the stormwater ponds is to attenuate runoff and release it slowly over time to drainage outlets that have a capacity to take it, not to saturate adjacent properties. |

The landowner was asked whether he would grant permission for the developer to clean the ditch that runs across his property, and the reply was that the developer would be arrested for trespassing if he tried.

The preliminary results of the Drainage Analysis were presented including a map of the Rowland Creek Canal drainage system and several representative photographs taken north and south and along the subject property and adjacent to Ranchland. A schematic sitedrainage plan was also provided, along with an explanation of how the drainage would work on the site, how the 100-year storm event would be modeled and managed, and how the developer is committing to clean out and lay back the banks of Rowland Creek across the Fost property, and to provide improvements as needed both upstream and downstream subject to property owners granting permission. Improvements will also be made along the Fost/Ranchland property line to provide some relief for homeowners along that part of Ranchland who may have existing drainage problems. This commitment will be incorporated into any development approval for this community.

| Comments from the Community | How Addressed |
|---|---|
| Where will the entrance be | Approximately midway between the railroad track and the northwest property line. |
| Will any traffic come through Ranchland | No. All traffic will exit onto 168. |
| Eagle Creek has made improvements to its part of the Rowland Creek drainage system and looks forward to getting some help with improvements to Rowland Creek downstream | A commitment for help is being made. |
| Why develop here? | A willing seller and willing buyer, and the community is situated between existing communities that have been successful here |
| Ranchland has a big drainage problem | We intend to run a property line ditch along the common line between Fost and Ranchland and provide some relief to Ranchland. |
| A large development like this has benefits compared to several small developments in that there is a higher quality of planning and coordination, and there is more money and incentive available to fix existing problems and provide some benefits to the community | We totally agree. |
| What will impacts be on Sheriff, Fire and Social Services departments | Currituck County evaluates those impacts as part of the development review process. |
| What will the build out schedule be | A 10 to 15 year build out is anticipated under good market conditions |
| Neighborhood commercial needs to have adequate parking. | Parking will be a combination of on-street, alleyway and remote parking areas. |

Attachment: 5 8-21-18 Community Meeting Minutes Updated (PB 18-23 FOST TRACT)

**Summary:**

Several people stayed after the meeting was adjourned, and seemed to be generally supportive of the development plan. Several residents were particularly interested in the neighborhood commercial component.

Attachment: 5 8-21-18 Community Meeting Minutes Updated (PB 18-23 FOST TRACT)

## STATEMENT OF COMPLIANCE WITH U.D.O. SECTION 2.4.3.C 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 2.25 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 but with its own access to Hwy 168. 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 is conducting a stormwater study to investigate causes in Rowland Creek,



Attachment: 6 Fost - Statement of Compliance with UDO (PB 18-23 FOST TRACT)

upstream and downstream from the property. That study has shown significant restrictions to flow on both on- and off-site properties, which the applicant is willing 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. Where adjacent landowners are unwilling to allow the applicant to remove off-site obstructions, the applicant is willing to provide a additional stormwater storage on site to minimize flooding. 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 and is eligible for County water and sewer. However, the applicant is offering to treat wastewater onsite through a private sewer system that will be regulated by the NC Utilities Commission. It is also open to connecting to other private sewer systems, which would give those systems 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 WQ3**: *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 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*. 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.



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**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. The project will seek to preserve existing buffering along NC 168 where feasible. The project will have direct access to and frontage on NC 168, and will not include access to higher intensity development through an area of lower intensity 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 CA1**: *The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation*. LUP, p. 9-19.

**POLICY TR11**: *ACCESS TO HIGHER INTENSITY DEVELOPMENT shall generally not be permitted through an area of lower intensity development. For example, access to a multi-family development, a major park facility or other large traffic generator shall not be permitted through a local street serving a single-family residential neighborhood.* 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*



Attachment: 6 Fost - Statement of Compliance with UDO (PB 18-23 FOST TRACT)

*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 onsite privately developed sewer to avoid strain on County infrastructure. The site is eligible for County sewer and central sewer is existing in the area. Because the wastewater system will be a central sewer system, and the 2.25 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 2.25 units per acre, which is within the contemplated development densities from Section 3.7.3 of the UDO for PD-R districts (up to three units per acre). The proposed use will also include a diversity in housing types, including townhomes, cottage style single-family lots and traditional single family lots.

**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 is studying 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.

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**POLICY IS 5**: *Encourage retrofitting of NCDOT drainage infrastructure to manage nuisance flooding*. SAP, p. 18.

**ACTION IS 5A**: *Coordinate with NCDOT to develop a plan of action for addressing … Ranchland subdivision street flooding*…. SAP, p. 18.

**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 3.7.3 in the following ways:**

***i.*** The proposed use exceeds the minimum district area of fifty acres;

***ii.*** The proposed use falls within the permissible gross residential density form Full Service areas of up to three units per acre.

***iii.*** The proposed use has less than the maximum amount (40%) of nonresidential land.

***iv.*** The proposed use contains minimum wetland/riparian buffers of 30 ft.; and

***v.*** The proposed use will have at least 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 is determined by the Master Plan, but "may not exceed three units per acre in Full Service areas…" UDO 3.7.3, fn 1. 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. Because the UDO density expressly refers to the 2006 map designation, which designates this area as a Full Service Area, that designation should control.

Although the Small Area Plan map lists this site as limited services, 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**;



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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 to the south and southeast, and commercial uses to the east. The site is also in close proximity to the Eagle Creek neighborhood. The proposed use is compatible with these adjacent uses and furthers the County's goal of concentrating new residential development in the vicinity of existing residential development. The proposed PD-R district is also the appropriate zoning designation for the land because it will allow for organized and cohesive development of the 228 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 to the south and southeast, and commercial uses to the east. The site is also in close proximity to the Eagle Creek neighborhood. Therefore, residential development at this site furthers the County's goal of concentrating residential and commercial developments in the same area. Furthermore, the PD-R zoning category allows for more logical and orderly development of large tracts such as this 228 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

Attachment: 6 Fost - Statement of Compliance with UDO (PB 18-23 FOST TRACT)

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 and will be adequately served by schools, police, fire, and emergency services. The applicant is conducting a stormwater study to ensure that stormwater management and sewer services will be adequately provided.

**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.

Attachment: 6 Fost - Statement of Compliance with UDO (PB 18-23 FOST TRACT)

Coastal Management
ENVIRONMENTAL QUALITY

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
BRAXTON C. DAVIS
Director

**MEMORANDUM**

**TO:** Local Government Planning Officials

**FROM:** Mike Lopazanski, Acting Assistant Director
Division of Coastal Management

**SUBJECT:** Rezoning/Simultaneous Comprehensive Plan Amendment Process and CAMA Land Use Plan Amendment Requirements

**DATE:** September 25, 2017

**Overview:** Recent changes to NC zoning law have the potential to impact locally-adopted land use plans that are state-certified under the Coastal Area Management Act (CAMA). The intent of this memo is to provide guidance on a simultaneous process for zoning and CAMA plan amendments.

**Background:** Session Law 2017-10 (SB 131) revised the requirements in G.S. §153A-341 and §160A-383 concerning statements a governing board shall adopt when considering a zoning amendment. The revised requirements are applicable to all zoning amendment applications filed on or after October 1, 2017. Under the changes in the new law, a governing board's statement of approval for a zoning amendment will also be deemed an amendment to the comprehensive plan and the governing board shall not require any additional request or application for amendment to the comprehensive plan. As used in the section, a comprehensive plan includes a unified development ordinance and any other applicable officially adopted plan.

Local governments within the 20-coastal counties are subject to the land use planning requirements under Article 7 of the Coastal Area Management Act of 1974 (G.S. §§113A-108 through 113A-111) and the Coastal Resources Commission's (CRC) rules for land use plans (15A NCAC 07B.0700 and .0800.) CAMA plans require local adoption along with state certification and would therefore be considered a "comprehensive plan" as defined in the revisions to G.S. §153A-341 and §160A-383.

CAMA requires that land use plans and plan amendments be available for public inspection for a period of at least 30 days following publication of notice.

**Recommendation:** If the local government planning staff determines that a zoning amendment application (map and/or text) is inconsistent with the CAMA plan, the local planning staff should prepare a written document identifying the areas of the CAMA plan that would have to be amended before the zoning application could be approved. This document would then serve as

Attachment: 7 RezSimultPlanAmendmentMemo_092517 (2) (PB 18-23 FOST TRACT)

a “proposed amendment” to the CAMA plan and be available for public inspection for a period of at least 30 days. In addition, the written document would serve as a guide to the local governing body should it decide to approve the zoning amendment and declare that the approval also serves as an amendment to the CAMA plan (See Attachment 4). The key is to ensure that the public notice requirement for CAMA plan amendments is met and that the public has the opportunity to inspect the potential amendment language with “not less than 30-day notice”.

The Division’s District Planners currently work with local planning staff in the review of land use plan and plan amendment proposals and can assist in preparing proposed amendments and meeting requirements for notice and hearing.

On a related item, to further expedite state certification of CAMA plans and plan amendments, the legislature is considering a proposed change to the CAMA endorsed by the CRC and the Department of Environmental Quality. The proposed bill language would allow administrative certification of CAMA plans and plan amendments by the Division of Coastal Management. Given the limited number of CRC meetings (4-5 annually), DCM certification would provide for a more rapid turnaround between local adoption and state certification. The Division will advise local governments if this bill language becomes law.

If you have any questions regarding compliance with both the changes to NC zoning law and the public notice requirements of the CAMA and CRC, please contact your local Division of Coastal Management District Planner at:

Elizabeth City District
Charlan Owens
401 South Griffin St., Suite 300
Elizabeth City, NC 27909
252-264-3901 ext. 236
Charlan.Owens@ncdner.gov

Morehead City District
Rachel Love-Adrick
400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 ext.205
Rachel.Love-Adrick@ncdenr.gov

Wilmington District
Mike Christenbury
127 Cardinal Dr. Ext.
Wilmington, NC 28405
910-796-7426
Mike.Christenbury@ncdner.gov

Links/Attachments:

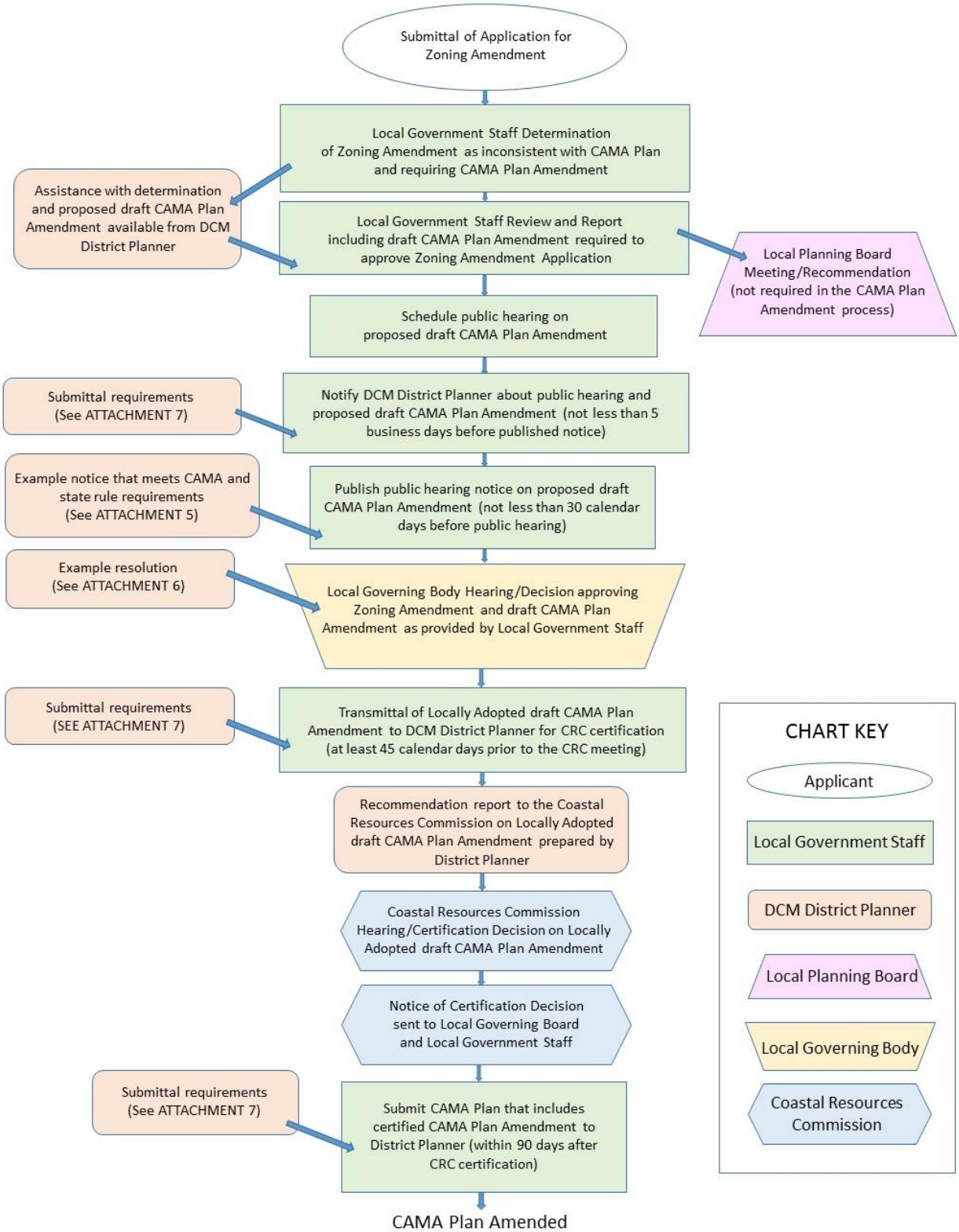
(1) Session Law 2017-10, Senate Bill 131
http://www.ncga.state.nc.us/Sessions/2017/Bills/Senate/HTML/S131v7.html
(2) CAMA
https://deq.nc.gov/about/divisions/coastal-management/coastal-management-rules/cama
(3) 7B Planning Rules
https://files.nc.gov/ncdeq/Coastal%20Management/documents/PDF/CAMA/t15a-07b.0700.pdf
https://files.nc.gov/ncdeq/Coastal%20Management/documents/PDF/CAMA/t15a-07b.0800.pdf

(4) Flowchart for Rezoning/Simultaneous CAMA Plan Amendment
(5) EXAMPLE Public Notice for Local Adoption of CAMA Plan Amendment
(6) EXAMPLE Resolution of Local Adoption of CAMA Plan Amendment
(7) Submittal Requirements for Notifying DCM District Planner about Public Hearing on CAMA Plan Amendment;
Submittal Requirements for Transmittal to the CRC for Certification, and;
Submittal Requirements for CAMA Plan with Certified Amendment

Attachment: 7 RezSimultPlanAmendmentMemo_092517 (2) (PB 18-23 FOST TRACT)

ATTACHMENT 4

Flowchart for Rezoning/Simultaneous CAMA Plan Amendment - Notice, Local Adoption and State Certification






Attachment: 7 RezSimultPlanAmendmentMemo_092517 (2) (PB 18-23 FOST TRACT)

## ATTACHMENT 5

### Notice of Public Hearing
### Amendment of the <Local Government> CAMA Land Use Plan

Notice is hereby given that the <Local Governing Body> will conduct a public hearing on _____ at _____ PM to review an amendment to the <Local Government> Coastal Area Management Act (CAMA) Land Use Plan. The meeting will be held at _____. All interested citizens are encouraged to attend.

Following the public hearing, the <Local Governing Body> will consider adoption of the Land Use Plan amendment. Once adopted, the amended plan will be submitted to the Coastal Resources Commission for certification.

Written objections, comments, or statements of support shall be submitted to the Division of Coastal Management's District Planner, <District Planner's name and mailing address> no less than 30 calendar days after local adoption of the amendment. Further information can be obtained by contacting the District Planner at <District Planner's phone number>.

Copies of the Land Use Plan amendment are available for review by the public at the _____ during normal office hours. The public is encouraged to review the Land Use Plan amendment and to attend the public hearing. For additional information, please contact the Director of the <Local Government> Planning Department at _____.

_____

Attachment: 7 RezSimultPlanAmendmentMemo_092517 (2) (PB 18-23 FOST TRACT)

# ATTACHMENT 6

**(EXAMPLE)**

**RESOLUTION OF THE <Local Governing Body> OF <Local Government>, NORTH CAROLINA, AUTHORIZING AN AMENDMENT TO THE CAMA LAND USE PLAN**

**WHEREAS**, the <Local Government> desires to amend its CAMA Land Use Plan, specifically the <map /text/ policy> related to _____>, and

**WHEREAS**, the CAMA Land Use Plan <currently shows/states>; and,

**WHEREAS**, the <Local Government> desires to amend the CAMA Land Use Plan to <show/state>; and

**WHEREAS**, on _____ the Planning Board recommended _____ of the draft amendment to the CAMA Land Use Plan; and

**WHEREAS**, the <Local Government> conducted a duly advertised public hearing on the draft amendment to the CAMA Land Use Plan at the Regular Meeting of the <Local Governing Body> on _____; and

**WHEREAS**, at the Regular Meeting on _____ the <Local Governing Body> of <Local Government>, North Carolina found the draft amendment to be consistent with the <Local Government> desired vision for the future and approved to adopt the draft amendment; and

**WHEREAS**, the adopted draft amendment will be submitted as required by State law to the District Planner for the Division of Coastal Management under the North Carolina Department of Environmental Quality and forwarded to the Coastal Resources Commission; and

**WHEREAS**, a review of the adopted draft amendment by the Coastal Resources Commission will be scheduled; and the CRC will then vote on certification of the draft amendment;

**NOW, THEREFORE, BE IT RESOLVED** by the <Local Governing Body> of <Local Government>, North Carolina, that <map / page citations> in the CAMA Land Use Plan be amended as follows:

<amendment>

**BE IT FURTHER RESOLVED** that the <Local Governing Body> of <Local Government>, North Carolina, has adopted the draft amendment; and

**BE IT FURTHER RESOLVED** that the < Manager/Administrator> of <Local Government> is hereby authorized to submit the adopted CAMA Land Use Plan draft amendment to the State for certification as described above.

Adopted this _____ day of _____ 20___.

Attachment: 7 RezSimultPlanAmendmentMemo_092517 (2) (PB 18-23 FOST TRACT)

# ATTACHMENT 7

## Submittal Requirements for Notifying DCM District Planner about Public Hearing on CAMA Plan Amendment

The following items are to be submitted to the DCM District Planner at least 5 business days prior to publication of a public hearing notice:

1. Written notice of the public hearing for local adoption.

2. A copy of the proposed CAMA Plan amendment.

---

## Submittal Requirements for Transmittal to the CRC for Certification

The following items are to be submitted to the DCM District Planner at least 45 calendar days prior to the CRC meeting on which the plan amendment will be considered for certification:

1. Two (2) print copies of the locally adopted draft CAMA Plan amendment.

2. Two (2) CDs or USB drives containing a digital copy of the entire CAMA Plan with the locally adopted amendment in the Land Use Plan. On the cover of the LUP, include the local adoption date of the amendment and provide a location to insert a CRC certification date of the amendment. Digital files should be provided in a Word and/or .pdf format and file names should clearly identify file content.

3. Certified statement of local government adoption action (Resolution of adoption) with official signature and seal from the local government.

4. Affidavit of publication - signed and notarized proof that the notification process was followed per G.S. 113A-110 (to include the not less than 30-day notice in the newspaper and statement of other notices provided) for the local government.

---

## Submittal Requirements for CAMA Plan with Certified Amendment

The following items are to be submitted within 90 calendar days after certification of the CAMA plan amendment:

1. A print copy of the entire CAMA Plan with amendment incorporated and the CRC certification date of the amendment added to the cover.

2. A digital copy on CD or USB drive of the entire CAMA Plan with amendment incorporated and the CRC certification date of the amendment added to the cover. Digital files should be provided in a Word and/or .pdf format and file names should clearly identify file content.

Attachment: 7 RezSimultPlanAmendmentMemo_092517 (2) (PB 18-23 FOST TRACT)

# Planned Development
## Application

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

### Contact Information

**APPLICANT:**
Name: Allied Properties, LLC
Address: 417 Caratoke Hwy. - Unit D
Moyock, NC 27958
Telephone: (252) 435-2718
E-Mail Address: jold@qhoc.com

**PROPERTY OWNER:**
Name: Sandra Davis Fost & Iris Ann O'Connor
Address: 121 Soundshore Drive
Currituck, NC 27929
Telephone: _____
E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

### Property Information

Physical Street Address: Caratoke Highway
Location: Moyock, NC
Parcel Identification Number(s): 0015-000-0086-0000
Total Parcel(s) Acreage: 228.83
Existing Land Use of Property: Agricultural/Woodland

### Request

*Current Zoning of Property:* AG

**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: June 26, 2018 & August 17, 2018 Meeting Location: Moyock Library

### 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.

_____ 8-9-18
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.**

Sandra Davis Fost Iris Ann O'Connor
Sandra Davis Fost & Iris Ann O'Connor



Attachment: 8 Signed Planned Dev. Application (PB 18-23 FOST TRACT)

# Currituck County
## Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2335)

**Agenda Item Title**

PB 18-27 University Park LLC:

**Brief Description of Agenda Item:**

Amend 2006 Land Use Plan/future classification map from Limited Service to Full Service to allow an increase in density from 1.5 units per acre to 3 units per acre located at the University Park development, PINs: 0131-000-097A-0000, 124J-000-OSP2-0000, 0131-000-095A-0000, 0131-000-095A-0000, 124J-000-00B1 through 00B6-0000, 124J-000-00C1 through 00C6-0000, 124J-000-00D1 through 00D6-0000, 124J-000-00E1 through 00E6-0000, 124J-000-00F1 through 00F6-0000, and 124J-000-00G1 through 00G3-0000, Poplar Branch township.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Tammy Glave,

**Presenter of Agenda Item**

Tammy Glave

# STAFF REPORT
# PB 18-27 UNIVERSITY PARK
# PLANNING BOARD
## DECEMBER 11, 2018

Attachment: 1 18-27 University Park LUP Amendment PB Staff Report (PB 18-27 Universit Park LLC)

| APPLICATION SUMMARY | |
|---|---|
| **Property Owner:**<br>University Park LLC<br>8648 Caratoke Highway<br>Powells Point NC 27966 | **Applicant:**<br>House Engineering PC<br>Bryan Sewell<br>PO Box 466<br>Kitty Hawk NC 27949 |
| **Case Number:** PB 18-27 | **Application Type:** Land Use Plan Map Amendment |
| **Parcel Identification Numbers:**<br>0131-000-097A-0000 124J-000-OSP2-0000<br>0131-000-095A-0000 0131-000-095A-0000<br>124J-000-00B1 through 00B6-0000<br>124J-000-00C1 through 00C6-0000<br>124J-000-00D1 through 00D6-0000<br>124J-000-00E1 through 00E6-0000<br>124J-000-00F1 through 00F6-0000<br>124J-000-00G1 through 00G3-0000 | **Existing Use:** Multi-family dwellings, office, warehouse, recreation, telecommunications tower |
| **Land Use Plan Classification:** Limited Services | **Proposed Land Use Plan Classification:** Full Service |
| **Parcel Size (Acres):** 25.857 | **Current Zoning:** PD-M |
| **Request:** Amend future land use classification map from Limited Service to Full Service to allow an increase in density from 1.5 units per acre to 3 units per acre located at the University Park development. | |

## REQUEST
### NARRATIVE

The property owner is requesting the Land Use Plan (LUP) Map amendment from Limited Service to Full Service to allow an increase in density from 1.5 units per acre to 3 units per acre. University Park, Phase 2, has approval for 39 residential townhome units. The owner is approaching buildout of Phase 2 and every unit is either rented or under contract to be rented once the units receive a Certification of Compliance from the Building Inspector. The applicant states, “The proposed amendment to the LUP map will allow for needed affordable housing in southern Currituck County in a safe community that offers the residents amenities such as a community pool and clubhouse, basketball courts, tennis court, picnic area, and walking trails. It should be noted that there is currently a waiting list for these apartments. This also provides housing for local workers and people who want to reside close to the beach but prefer to live in Currituck County.” Phase 3 of University Park was intended for future development with the desire to develop as 39 additional residential townhome units once the update to the 2006 Land Use Plan/Map, Imagine Currituck, was adopted that does allow for densities up to 3 units per acre in this location. Since the 2006 Land Use Plan Update, Imagine Currituck, is in the final review stage, the owner desires to move forward with the map amendment to the existing LUP.

This property is in the Point Harbor subarea of the 2006 Land Use Plan. The policy emphasis for the Point Harbor subarea is to allow portions of the area to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and the natural features that make the area so attractive. Housing in the Point Harbor subarea should continue to reflect a range of housing types and prices with emphasis on single-family site built homes.

It should be noted that an existing full service designation is located approximately 825' north of this property. While a better planning practice is to have continuously designated property without the separation, staff finds this request acceptable since it is in line with the draft update to the 2006 Land Use Plan/Map, Imagine Currituck. Additionally there is a significant area of commercial development proposed within University Park along Caratoke Highway, which is compatible with the higher residential designation. Given these reasons and the fact that the update to the 2006 Land Use Plan allows for the requested density, the requested change in the 2006 LUP Map is appropriate.

Finally, should the LUP Map amendment be approved, the application must be reviewed and approved by the Division of Coastal management. The applicant must also follow through with an amended master plan, terms and conditions document, preliminary plat/use permit, and final plat.

## COMMUNITY MEETING

The applicant held a community meeting on November 16, 2018 at the University Park clubhouse with approximately 20 people in attendance. Concerns were expressed over access to West Mobile Road, moving amenities, the undisturbed buffer, and the conflict with the farm/owners of the property to the rear.

STAFF NOTE: During the approval of the master plan for University Park, the Board of Commissioners prohibited a connection to West Mobile Road for the development. While the attached site plan is for reference purposes only, it shows a connection to West Mobile Road. To make this connection, the applicant must request an amendment to the master plan and that request must be approved by the Board of Commissioners.

## APPLICANT'S STATEMENTS OF JUSTIFICATION FOR REQUEST

1. Will the proposed amendment support uses that are suitable in the view of the use and development of adjacent and nearby properties?
    - Yes, the property use does not change. The proposed amendment only changes the density from 1.5 units/acre to 3.0 units per acre.
2. Will the proposed amendment adversely affect the existing use or usability of adjacent or nearby properties?
    - No, the use of the property does not change.
3. Will the proposed amendment support uses that could result in an excessive or burdensome use of existing public facilities such as streets, schools, transportation facilities, or utilities?
    - No. Septic is on-site. Power is on-site by Dominion Power. Waterlines are existing on-site and along Caratoke Highway. Based on existing usage, minimal impact on schools is expected. The property is bordered by Caratoke Highway (and Mobile Road* - see Conditions below) which provide safe ingress and egress to the property.
4. How does the proposed amendment conform to the recommendations of the Future Land Use Plan and any other applicable long range plans?
    - The proposed amendment changes the density from 1.5 units/acre to 3.0 units/acre with no change to the existing zoning or use.



Attachment: 1 18-27 University Park LUP Amendment PB Staff Report (PB 18-27 Universit Park LLC)

5. Are there any existing or changing conditions affecting the use or development of the property which justifies either approval or disapproval of the request?
    - No change in the use.
6. Is there a public need for additional land space to be classified to this request?
    - Yes, the proposed amendment to the LUP allows for more housing variety in southern Currituck County.
7. How does this request relate to the land suitability analysis found in the Land Use Plan? Are there factors that have changed since the suitability analysis was completed?
    - No effect or change. The properties are listed as "highly suitable."

- Statement of how the Land Use Plan amendment otherwise advances public health, safety, and general welfare:
    - The proposed amendment to the LUP map will allow for needed affordable housing in southern Currituck County in a safe community that offers the residents amenities such as a community pool and clubhouse, basketball courts, tennis court, picnic area, and walking trails. It should be noted that there is currently a waiting list for these apartments. This also provides housing for local workers and people who want to reside close to the beach but prefer to live in Currituck County.

| SURROUNDING PARCELS | | |
|---|---|---|
| | **Land Use** | **LUP Classification** |
| North | Residential/Commercial | Limited Service |
| South | Residential/Commercial | Limited Service |
| East | Warehouse/Cultivated Farmland | Limited Service |
| West | Residential/Agricultural | Limited Service |

## STAFF RECOMMENDATION

**A Land Use Plan Amendment is a legislative decision of the Board of Commissioners.**

**Staff recommends approval because of the following:**

- The Future Land Use Map in the Draft 2006 Land use Plan Update, Imagine Currituck, shows this area at a density of up to three units per acre.
- The policy emphasis for the Point Harbor subarea is to allow portions of the area to continue to evolve as a full service community.

NOTE: During the approval of the master plan for University Park, the Board of Commissioners prohibited a connection to West Mobile Road for the development. While the attached site plan is for reference purposes only, it shows a connection to West Mobile Road. To make this connection, the applicant will have to request an amendment to the master plan and that request will have to be approved by the Board of Commissioners.

Attachment: 1 18-27 University Park LUP Amendment PB Staff Report (PB 18-27 Universit Park LLC)

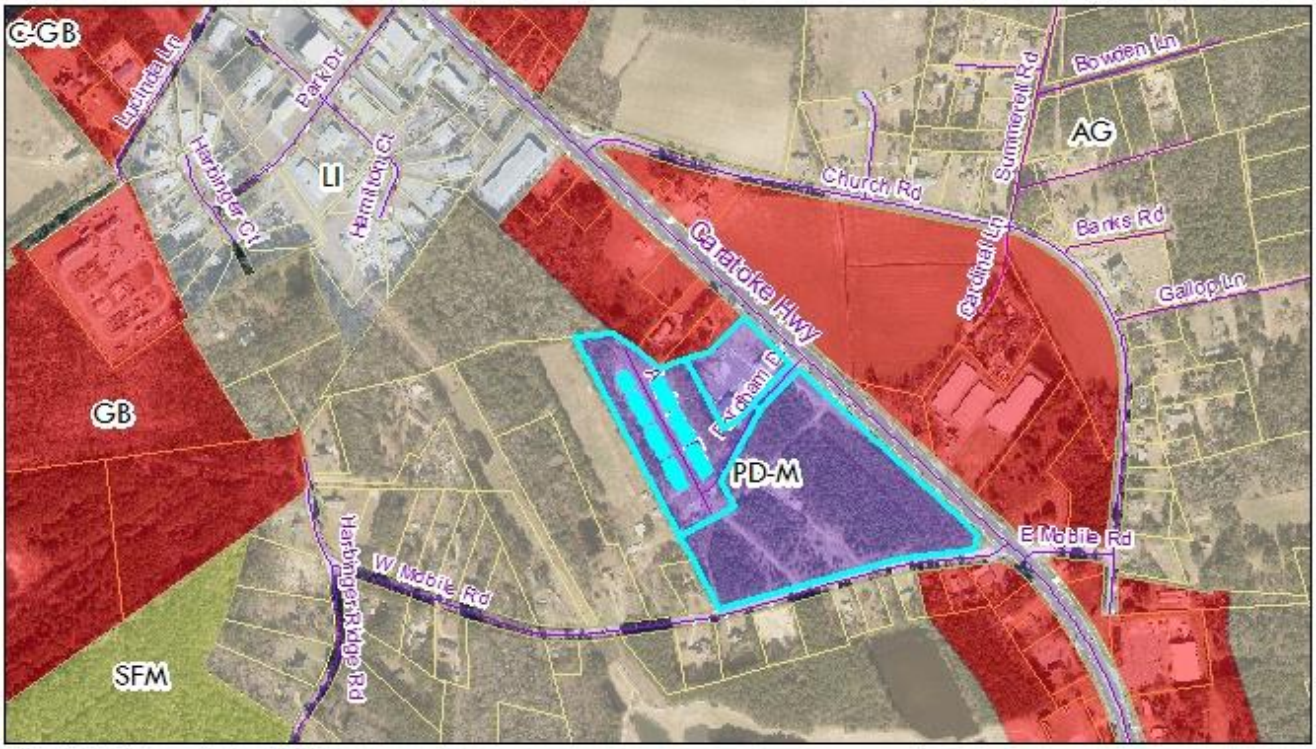
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
www.co.currituck.nc.us/planning-board-minutes-current.cfm




PB 18-27 University Park LLC
LUP Map Amendment
2016 Aerial Photography

Currituck County
Planning and
Community Development

Attachment: 1 18-27 University Park LUP Amendment PB Staff Report (PB 18-27 Universit Park LLC)

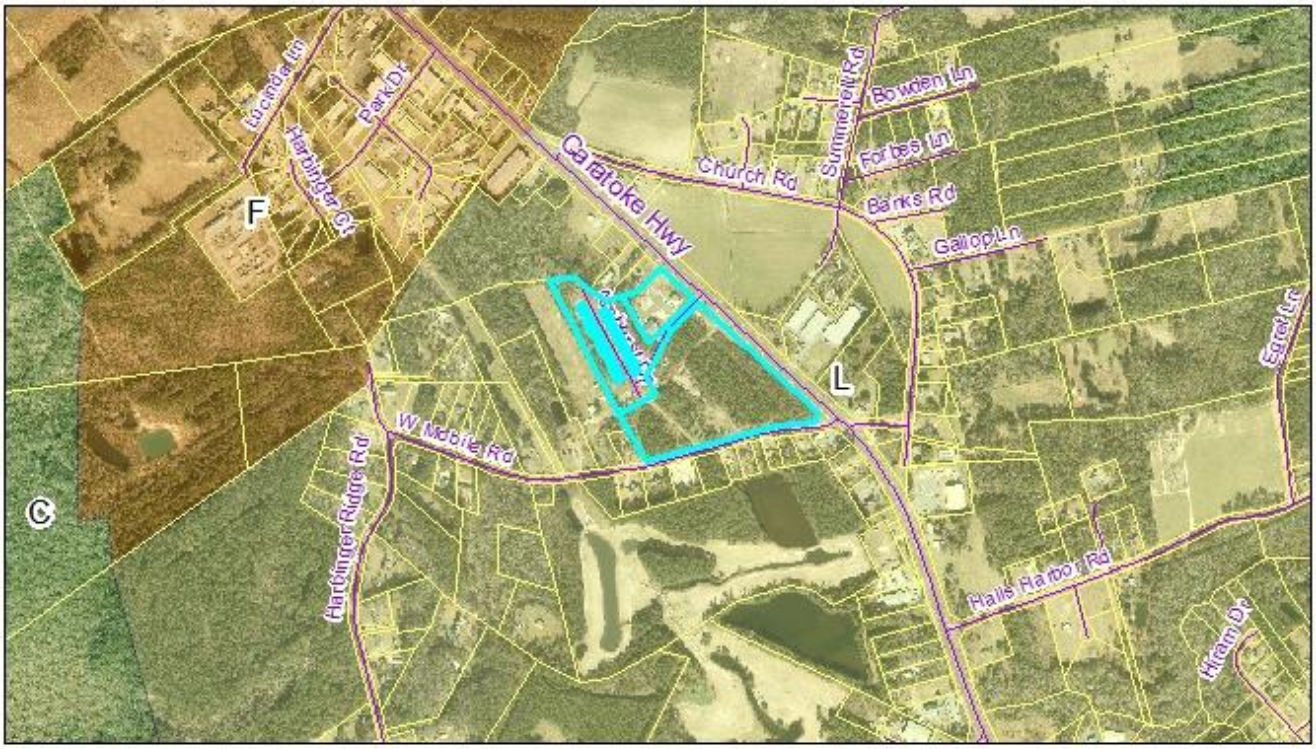



PB 18-27 University Park LLC
LUP Map Amendment
Zoning

0 250 500 1,000 Feet

Currituck County
Planning and
Community Development

Attachment: 1 18-27 University Park LUP Amendment PB Staff Report (PB 18-27 Universit Park LLC)




PB 18-27 University Park LLC
LUP Map Amendment
LUP Land Use Classification

0 400 800 1,600 Feet

Currituck County
Planning and
Community Development

Attachment: 1 18-27 University Park LUP Amendment PB Staff Report (PB 18-27 Universit Park LLC)

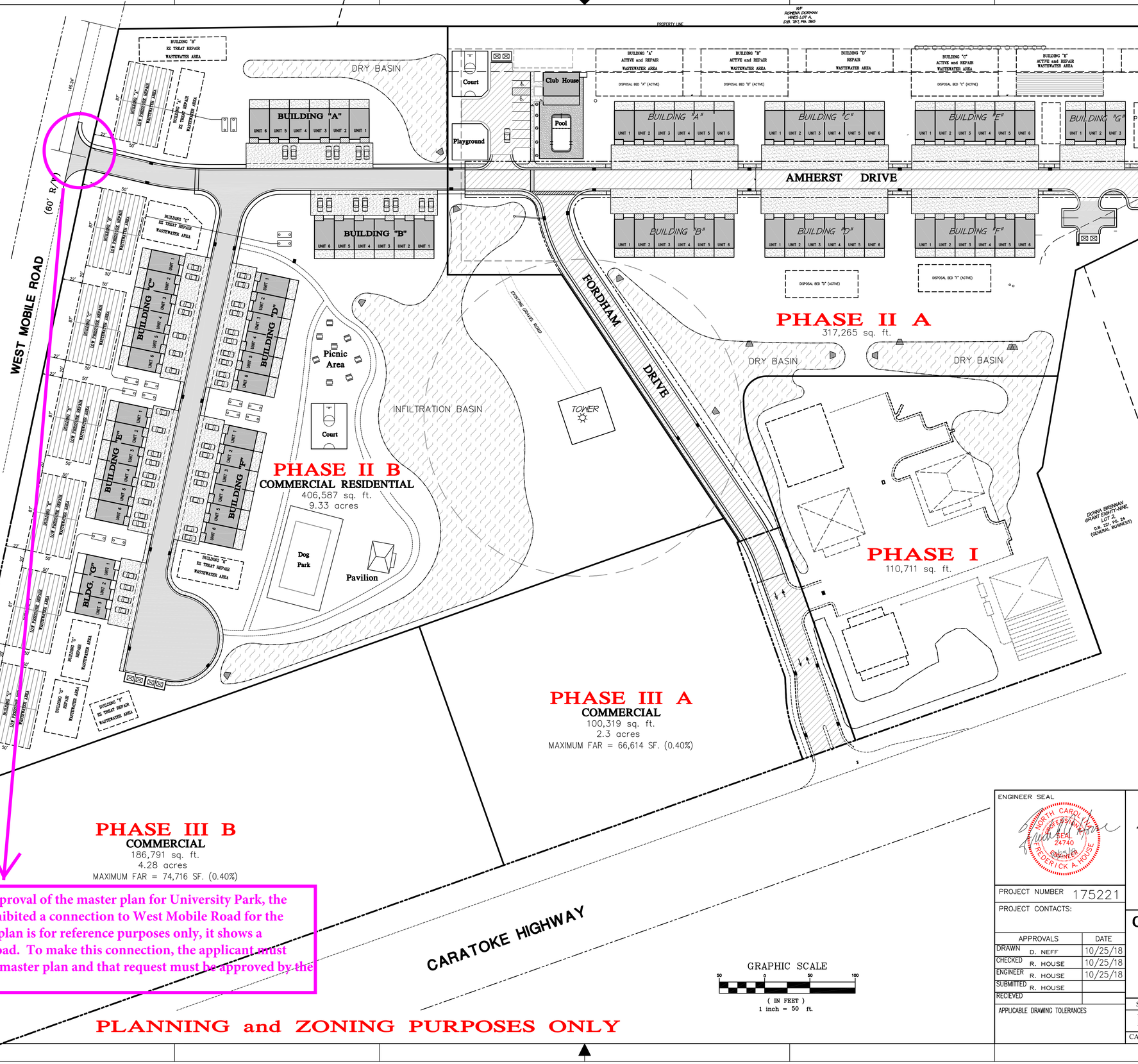
# RESIDENTAIL SITE DATA

## DIMENSIONAL STANDARDS

| | |
|---|---|
| DISTRICT AREA (Acres): | 26.05 |
| GROSS DENSITY, MAXIMUM (Dwelling units/Acres) | LIMITED SERVICE: 1.5<br>FULL SERVICE: 3<br>(OR MAXIMUM SET BY COUNTY LAND USE PLAN) |
| RESIDENTIAL LAND AREA, MAXIMUM (EXCLUDES OPEN SPACE) (% of District) | 35 |
| MINIMUM SPACEING BETWEEN BUILDINGS (Feet) | 20 |
| MAXIMUM BUILDING LENGTH (Feet) | 150 |
| MAXIMUM BUILDING SIZE (FOOTPRINT), (Feet) | 6,600 |
| LOT COVERAGE MAXIMUM (% of Lot area) | 65 |
| DISTRICT BUILDING HEIGHT MAXIMUM (ft.) | 35 (OR AS ALLOWED BY CURRITUCK COUNTY U.D.O) |
| BUILDING SETBACK FROM GEN. BUS., (GB) ZONE, MINIMUM (ft.) | 40 (DOES NOT APPLY TO LOTS INSIDE OF DISTRICT) |
| BUILDING SETBACKS FROM AGRICULTURE ZONE, MINIMUM (ft.) | 50 |
| BUILDING SETBACKS FROM EXTERIOR (OUTSIDE PD-M), R.O.W. (FEET) | W. MOBILE RD. 60<br>US HWY. 158 50 |
| BUILDING SETBACKS FROM INTERNAL RIGHT-OF-WAY (FEET) | 15 |

## DEVELOPMENT STANDARDS

| | |
|---|---|
| DISTRICT AREA (Acres): | 26.05 |
| OFF - STREET PARKING and LOADING FOR OFFICE/RETAIL | AS PER U.D.O FOR SHOPPING CENTERS, AS DETAILED IN TERMS & CONDITIONS DOC. |
| OFF - STREET PARKING and LOADING FOR HOTEL | 1/GUEST ROOM AS DETAILED IN TERMS & CONDITIONS DOC. |
| OFF - STREET PARKING and LOADING FOR THEATER | 1 SPACE /4 SEATS AS DETAILED IN TERMS & CONDITIONS DOC. |
| LANDSCAPING | ALTERNATIVE LANDSCAPE PLAN AS DETAILED IN TERMS & CONDITIONS DOC. |
| TREE PROTECTION | |
| OPEN SPACE SET-ASIDE | 20% (MIN.) |
| FENCES and WALLS | ALTERNATIVE PLAN AS DETAILED IN TERMS & CONDITIONS DOCUMENT |
| EXTERIOR LIGHTING | |




STAFF NOTE: During the approval of the master plan for University Park, the Board of Commissioners prohibited a connection to West Mobile Road for the development. While this site plan is for reference purposes only, it shows a connection to West Mobile Road. To make this connection, the applicant must request an amendment to the master plan and that request must be approved by the Board of Commissioners.

PLANNING and ZONING PURPOSES ONLY

# COMMERCIAL SITE DATA

## DIMENSIONAL STANDARDS

| | |
|---|---|
| DISTRICT AREA (Acres): | 26.05 |
| LOT AREA MINIMUM | 65,340 sq. ft. (1.5 Ac.) |
| LOT WIDTH MINIMUM (ft.) | 100 |
| LOT COVERAGE MAXIMUM (% of Lot area) | 65 |
| DISTRICT FAR, MAXIMUM (%) | 0.40 (OR AS ALLOWED) |
| INDIVIDUAL BUILDING SIZE FOOTPRINT MAXIMUM (sq. ft.) | AS ALLOWED BY CURR. COUNTY U.D.O |
| DISTRICT BUILDING HEIGHT MAXIMUM (ft.) | OFFICE/RETAIL: 35<br>HOTEL: 50<br>(OR AS ALLOWED BY CURRITUCK COUNTY U.D.O) |
| BUILDING SETBACK FROM GEN. BUS., (GB) ZONE, MINIMUM (ft.) | 40 (DOES NOT APPLY TO LOTS INSIDE OF DISTRICT) |
| BUILDING SETBACKS FROM AGRICULTURE ZONE, MINIMUM (ft.) | 50 |
| BUILDING SETBACKS FROM EXTERIOR (OUTSIDE PD-M) STREETS (ft.) | W. MOBILE RD.: 60<br>US HWY. 158: 50<br>HOTEL:<br>ADDITIONAL 5' SETBACK FOR EVERY 5' ADDITIONAL BUILDING HT. OVER 35 FT. |
| BUILDING SETBACKS FROM INTERNAL RIGHT-OF-WAY (FEET) | 15 |

ENGINEER SEAL

NORTH CAROLINA PROFESSIONAL SEAL 24740 ENGINEER FREDERICK A. HOUSE

| | |
|---|---|
| PROJECT NUMBER | 175221 |
| PROJECT CONTACTS: | |

| APPROVALS | | DATE |
|---|---|---|
| DRAWN | D. NEFF | 10/25/18 |
| CHECKED | R. HOUSE | 10/25/18 |
| ENGINEER | R. HOUSE | 10/25/18 |
| SUBMITTED | R. HOUSE | |
| RECIEVED | | |

APPLICABLE DRAWING TOLERANCES

HOUSE ENGINEERING, P.C.
P.O. BOX 466
KITTY HAWK, NORTH CAROLINA 27949
OFFICE: (252) 261-8253 FAX: (252) 261-3283
e-mail: rick@houseengineering.net

# Currituck County Proposed Site Plan

For:

## University Park

Location:

## RESIDUAL PARCEL

Currituck County North Carolina

| SIZE | DRAWING NUMBER | REV | SHEET NO. |
|---|---|---|---|
| D | 175221 | | C1 OF 1 |

CAD FILENAME: 165034_Base SCALE: 1" = 20'-0"

Attachment: 2 UP_SITE PLAN (PB 18-27 Universit Park LLC)

# Land Use Plan Amendment
## Application

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

### Contact Information

**APPLICANT:**

Name: House Engineering, P.C.
Address: PO Box 466
Kitty Hawk, NC 27949
Telephone: 252-261-8253
E-Mail Address: bryans@houseengineering, P.C.

**PROPERTY OWNER:**

Name: Elan Vacations, Inc.
Address: 8624 Caratoke Highway
Powells Point NC 27966
Telephone: 252-491-8787
E-Mail Address: nbibeau@aol.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Authorized Agent

### Property Information

Physical Street Address: 8648 Caratoke Highway, Powells Point, NC 27966

Location: University Park Phase 3

Parcel Identification Number(s): 013100097A000, 013100095A5045, 124J00000D10000 See attached

Total Parcel(s) Acreage: 26.05 Zoning District: PD-M / GB

Present Land Use: Residential with infrastructure, General Business, Offices

Current Land Use Plan designation: Limited Use

### Request (attach additional sheets as necessary)

- Section of plan to be amended: Point Harbor Sub District, Limited Use to Full Use

- If the request is to amend the Future Land Use Map, please submit a plan showing:
  - General site survey showing lot/parcel dimension
  - Existing uses and structures
  - Zoning of site and surrounding area
  - Current and proposed future land use map designation including sub-area
  - Proposed boundaries of change
  - Location of existing streets that border parcel

- Statements of Justification – provide sufficient information to explain and justify how the Land Use Plan Amendment request satisfies the following questions:
  1. Will the proposed amendment support uses that are suitable in the view of the use and development of adjacent and nearby properties? Yes, the propery use does not change. The proposed amendment only changes the density from 1.5 units/ acre to 3.0 unis per acre



Attachment: 3 Revised Application (PB 18-27 Universit Park LLC)

2. Will the proposed amendment adversely affect the existing use or usability of adjacent or nearby properties? No. The use of the property does not change.

3. Will the proposed amendment support uses that could result in an excessive or burdensome use of existing public facilities such as streets, schools, transportation facilities, or utilities? No. Septic is on-site. Power in on-site by Dominion Power. Water lines are existing on-site and along Caratoke Highway. Based on existing useage, minimal impact on the schools are expected. The property is bordered by Caratoke Highway and Mobile Road which provides safe ingress and egress to the property.

4. How does the proposed amendment conform to the recommendations of the Future Land Use Plan and any other applicable long range plans? The proposed amendment changes the density from 1.5 units/acre to 3.0 units/ acre with no change to the existing Zoning use.

5. Are there any existing or changing conditions affecting the use or development of the property which justifies either approval or disapproval of the request? No change in the use.

6. Is there a public need for additional land space to be classified to this request? Yes,the proposed amendment to the LUP allows for more affordable housing in Southern Currituck County.

7. How does this request relate to the land suitability analysis found in the Land Use Plan? Are there factors that have changed since the suitability analysis was completed? No effect or change. The properties are list as "highly suitable".

- Statement of how the Land Use Plan amendment otherwise advances public health, safety, and general welfare: The proposed amendment to the LUP will allow for needed afordable housing in Southern Currituck County in a safe community that offers the residents amenities as a community pool and clubhouse, basketbal courts, tennis court, picnic area and walking trails. It should be noted that there is currenlty a waiting list for these apartments. This also provides housing for local workers and people who want to reside close to the beach but perfer to live in Currituck County.

**Community Meeting**

Date Meeting Held: November 16, 2018 Meeting Location: University Park Clubhouse

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

Property Owner(s) 10/25/2108 Date

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



Attachment: 3 Revised Application (PB 18-27 Universit Park LLC)

HOUSE ENGINEERING, P.C.

P.O. Box 466
Kitty Hawk, NC 27949
Phone: 252-261-8253
e-mail: rick@houseengineering.net

ICC INTERNATIONAL CODE COUNCIL

November 15, 2018

Tammy Glave, CZO
Senior Planner
Currituck County Planning and Community Dev.
Phone: 252-232-6025
E-mail: tammy.glave@currituckcountync.gov

RE: Parcel ID Numbers for University Park Apartments (39 Units)

Dear Tammy,

Per our previous conversations, please find attached the Parcel ID Numbers for University Park Apartments that is an addendum to be added to the proposed Land Use Plan amendment.

BUILDING - A

1. UNIT 106 A - 124J00000A60000
2. UNIT 106 B - 124J00000A50000
3. UNIT 106 C - 124J00000A40000
4. UNIT 106 D - 124J00000A30000
5. UNIT 106 E - 124J00000A20000
6. UNIT 106 F - 124J00000A10000

BUILDING - B

7. UNIT 107 A - 124J00000B60000
8. UNIT 107 B - 124J00000B50000
9. UNIT 107 C - 124J00000B40000
10. UNIT 107 D - 124J00000B30000
11. UNIT 107 E - 124J00000B20000
12. UNIT 107 F - 124J00000B10000

BUILDING - C

13. UNIT 104 A - 124J00000C60000
14. UNIT 104 B - 124J00000C50000
15. UNIT 104 C - 124J00000C40000
16. UNIT 104 D - 124J00000C30000
17. UNIT 104 E - 124J00000C20000
18. UNIT 104 F - 124J00000C10000

Attachment: 3 Revised Application (PB 18-27 Universit Park LLC)

BUILDING - D

19. UNIT 105 A - 124J00000D60000
20. UNIT 105 B - 124J00000D50000
21. UNIT 105 C - 124J00000D40000
22. UNIT 105 D - 124J00000D30000
23. UNIT 105 E - 124J00000D20000
24. UNIT 105 F - 124J00000D10000

BUILDING - E

25. UNIT 102 A - 124J00000E60000
26. UNIT 102 B - 124J00000E50000
27. UNIT 102 C - 124J00000E40000
28. UNIT 102 D - 124J00000E30000
29. UNIT 102 E - 124J00000E20000
30. UNIT 102 F - 124J00000E10000

BUILDING - F

31. UNIT 103 A - 124J00000F60000
32. UNIT 103 B - 124J00000F50000
33. UNIT 103 C - 124J00000F40000
34. UNIT 103 D - 124J00000F30000
35. UNIT 103 E - 124J00000F20000
36. UNIT 103 F - 124J00000F10000

BUILDING - G

37. UNIT 100 A – 124J00000G30000
38. UNIT 100 B – 124J00000G20000
39. UNIT 100 C – 124J00000G10000

Respectfully Submitted,

Frederick A. House, P.E.

Frederick A. House, P.E.
President, House Engineering, P.C.

Attachment: 3 Revised Application (PB 18-27 Universit Park LLC)

# Description of Land Classifications

## Conservation Areas

The purpose of the Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Proper management is needed to conserve the natural, cultural, recreational, scenic or biologically productive values of these areas. Infrastructure and services, public or private, should not be provided in these areas as a catalyst that could stimulate development. Much of the land included in the Conservation classification is environmentally sensitive and therefore already protected through existing, federal, state, and local regulations. However, for areas within the classification that would be considered developable, uses such as agriculture, agriculture related services, and extremely low density residential development (1 unit per 3 acres or less) would be permitted. With the exception of agricultural related uses, nonresidential uses should not be encouraged. It is anticipated that any uses within the Conservation area would be served by individual on-site water and wastewater.

## Rural Areas (Areas Preferred for Open Space and Agricultural Preservation

The Rural class is intended to provide for agriculture, forestry, and other allied uses traditionally associated with a rural area. Interior land areas including a significant amount of prime farmland, away from the ocean and sound, and not assigned to the Conservation Class, have been designated Rural. Preferred uses include very low-density dispersed development associated directly with farm uses. Residential dwellings associated with farm activity typically employ on-site water supply (e.g. individual wells) and waste disposal (i.e. septic systems). Areas meeting the intent of this classification are appropriate for or presently used for agriculture, forestry, and other similar uses. Agri-tourism related uses should also be considered appropriate.

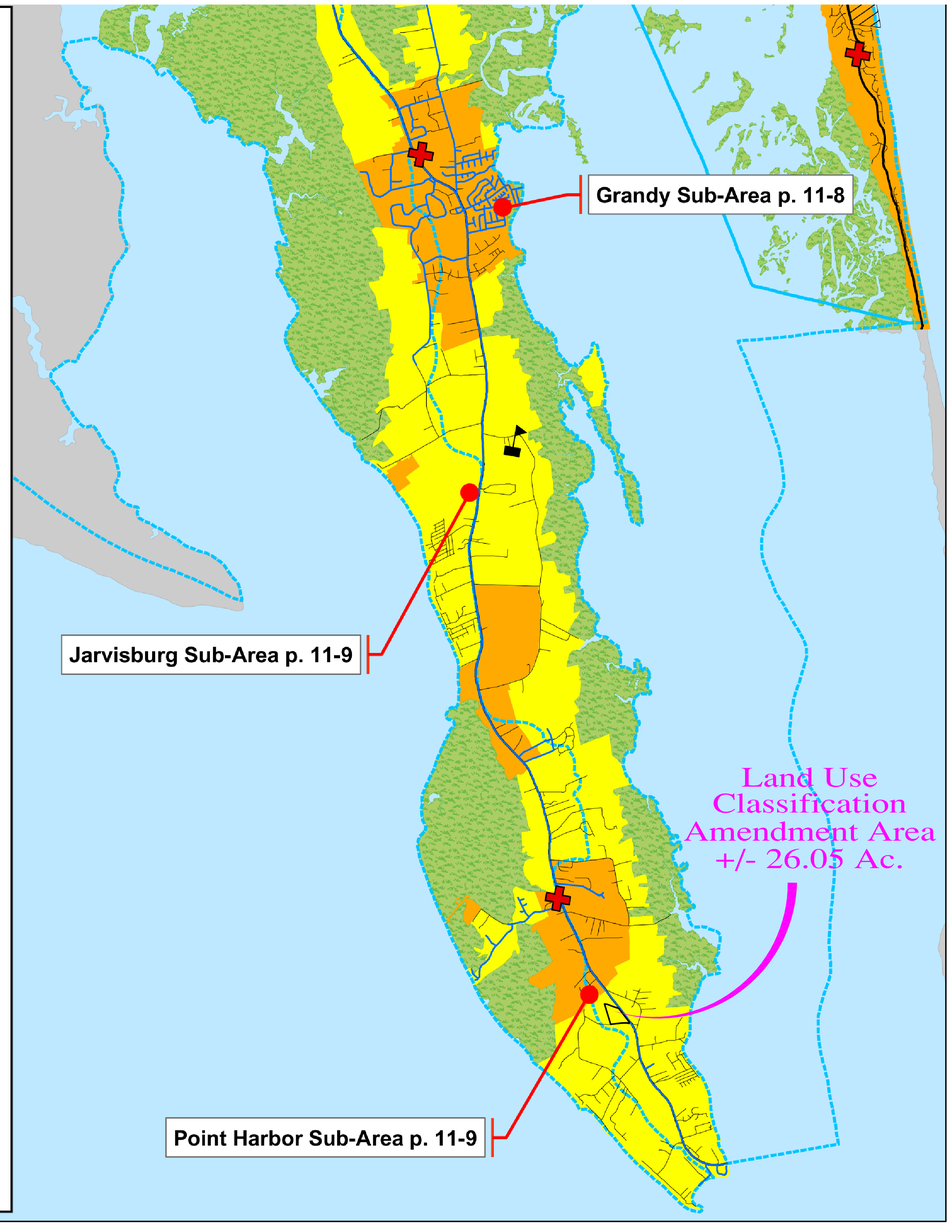
Population densities are generally very low and development density is anticipated at no more than 1 unit per 3 acres. In addition, any development in the Rural Areas would be served by individual on-site water and septic.

## Limited Service Areas (Areas Preferred for Low Density Development)

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. Despite the overall low density of these areas, efforts should be made to encourage clusters of residential uses to preserve open space and to provide for a sense of a "community". Base development density should be 1 unit per acre but could be increased to 1.5 units per acre through overlay zoning depending upon whether service facilities are in place or planned and the potential impact on the surrounding community. In the same instances where slightly higher density is considered appropriate a moderate mix of housing types such as semi-detached would also be considered reasonable. With respect to nonresidential uses, it is essential that the existing community character be preserved. In general, neighborhood commercial uses are more appropriate than large scale commercial complexes. However, business designed to serve the tourist industry such as small gift shops or agri-tourism related uses should not be prohibited provided the character and intensity of the use is in keeping with the character of the surrounding area. Very limited municipal-type services, such as fire protection, emergency services, and community water, may be available. Centralized sewage collection and treatment systems whether public or community may be appropriate for these areas.

## Full Service Areas (Areas Preferred for Community Centers)

Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. Infrastructure investments may include, for example, community level or centralized water, parks, schools, fire and rescue facilities. Central wastewater treatment and disposal whether public or community is considered reasonable in the Full Service Areas. With respect to residential development, base development density is contemplated to be 2 units per acre but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding area. A greater diversity in housing types (i.e. semi-detached, attached, multi-family) would be considered appropriate in the Full Service areas. With respect to nonresidential uses, it is essential that the existing community character be preserved. Nonresidential uses may include clusters of businesses serving the immediate area and, where appropriate, a more extensive market territory.




The preparation of this map was financed in part through a grant provided by the North Carolina Coastal Management Program, through the funds provided by the North Carolina Coastal Management Act of 1972, as amended, which is administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

**Map 11.1**

# Future Land Use Plan Map

Waterline (Incomplete Data)
Major Street
Proposed Transportation Feature
Ferry Route
Fire/EMS Station
School
Area Served by Ocean Sands Water and Sewer District
14 Digit Hydrologic Units (Watersheds)

0 0.5 1 2 3 4 Miles

# Currituck County, North Carolina

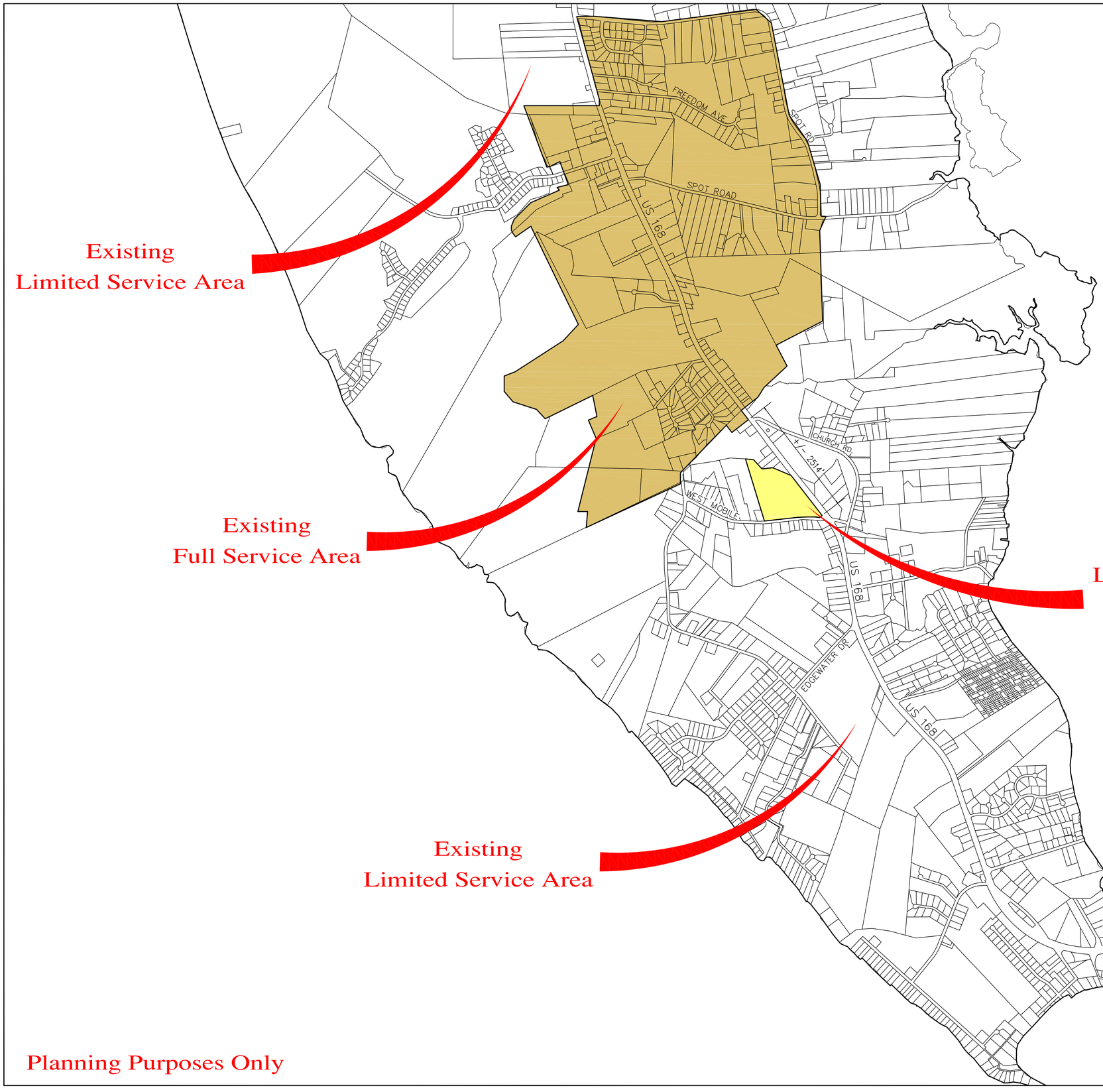
Adopted by the Board of Commissioners November 20, 2006: Amended August 2008 and August 2009.

Attachment: 4 UP_LANDCLASS ENLARGED! (PB 18-27 University Park LLC)

# Currituck County Land Use Map Amendment

**Location:**

Currituck County North Carolina



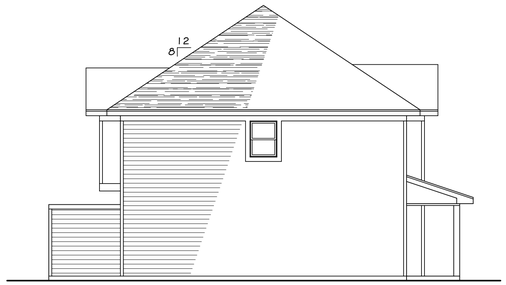

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HOUSE ENGINEERING, P.C.
P.O. BOX 466
KITTY HAWK, NORTH CAROLINA 27949
OFFICE: (252) 261-8253 FAX: (252) 261-3283
e-mail: rick@houseengineering.net

Attachment: 5 UP_LANDCLASS SITE (PB 18-27 Universit Park LLC)



TYPICAL BUILDING
## FRONT ELEVATION
1/8" = 1'-0"




TYPICAL BUILDING
## SIDE ELEVATION
1/8" = 1'-0"



TYPICAL BUILDING
## REAR ELEVATION
1/8" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

© 2015 ALL RIGHTS RESERVED

EDMOND P. VIRGILI, R.A.
ARCHITECT
720 NORFOLK AVE.
VIRGINIA BEACH, VIRGINIA 23451

UNIVERSITY PARK
TOWNHOUSES
CURRITUCK CO., NC
ELEVATIONS

FILE 1503
DATE 3 MAR 15
SHEET
A2

Attachment: 6 a2-3-3-15 (PB 18-27 Universit Park LLC)

HOUSE ENGINEERING, P.C.

P.O. Box 466
Kitty Hawk, NC 27949
Phone: 252-261-8253
e-mail: rick@houseengineering.net

ICC INTERNATIONAL CODE COUNCIL®

UNIVERSITY PARK COMMUNITY MEETING
MEETING SUMMARY
Friday, November 16, 2018

Meeting Time: 10:00 am to 11:00 am

Attendees: (See attached sign-in sheet)

Norman Bibeau, Property Owner
Carolyn Hickok-Bibeau, Elan Vacations
Tod Coyle, Todd Coyle Construction
Jennie Turner, Currituck County
Bryan Seawell, House Engineering, P.C.
David Neff, House Engineering, P.C.

Meeting Overview:

An outline of the approval process to amend the current Land Use Plan was reviewed. Also, clarification that this proposed application is to only amend the current Land Use Plan and not to amend the approved Zoning use. Multiple maps were provided for review showing both the existing Land Use Plan and the proposed Land Use Plan. A preliminary site plan was also available for review showing a proposed 7 buildings with 39 apartments that match the existing adjacent development.

Community Comments and Response

What type of buffers will be required for privacy?

**Before development will be allowed to start, permits from Currituck County will be required to ensure that any development meets the required standards. Typically, the buffer is vegetated. However, it could be a combination of vegetation and fences.**

Where will the additional stormwater runoff go?

**Before development will be allowed to start, permits from Currituck County and The State of North Carolina will be required to ensure that any development meets the required standards. Typically, this is achieved by an on-site stormwater system.**

Attachment: 7 University Park Meeting Summary (PB 18-27 Universit Park LLC)

How will this change effect traffic on West Mobile Road?

**The main entrance to University Park will remain on Caratoke Highway. The second entrance /exit is proposed on West Mobile Road to provide a secondary entrance/exit. This allows better internal traffic flow and second way for public services to access the property.**

What type of septic systems will be installed?

**Each building is proposed to have its own system and will be required to obtain permits for Albemarle Regional Health.**

Concern about a second entrance/exit on West Mobile Road?

**Traffic impacts will be minimal on West Mobile Road. The main entrance/exit will remain on Caratoke Highway.**

Concern that the infrastructure should be installed completely prior to the start of building.

**Our construction process will install all required measures as early as possible. This is important to be able to handle stormwater runoff due the building construction.**

Will a water line extension be installed on West Mobile Road?

**A waterline extension is proposed to second entrance/exit to University Park on West Mobile Road**

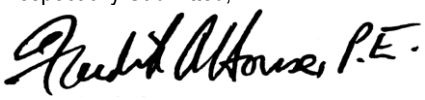
How long before work will start?

**This is a two-stage process. The first stage is the proposed amendment to the Land Use Plan and the second stage being the proposed site plan development approval. We are estimating that construction could start in approximately 1 year.**

Will the community be kept informed during the approval process?

**During the process there will multiple board meetings (Planning Board/Board of Commissioners) for the community to attend as well as Public Hearings.**

Respectfully Submitted,



Frederick A. House, P.E.
President – House Engineering, P.E.



Attachment: 7 University Park Meeting Summary (PB 18-27 Universit Park LLC)

# Meeting Sign In

Project: UNIVERSITY PARK LUP AMENDMENT
Facilitator: HOUSE ENGINEERING, P.C.
Place/Room: UNIVERSITY PARK CLUBHOUSE

Date: NOVEMBER 16, 2018
Time: 10:00AM - 11:00AM

| | PRINT NAME | PHONE | EMAIL |
|---|---|---|---|
| 1. | JAY NICKERSON | 757-753-2310 | JAYBARBNICK@GMAIL.CO |
| 2. | BARBARA NICKERSON | 757-332-0821 | 〃 |
| 3. | AR Grounko/Deb Bauer | | 8yourno@aol.com |
| 4. | CHRIS MULL | 252-491-2436 | CMULL@KEMPSVILLEBUILDING.CO |
| 5. | ALEX RAINES | 252-261-0454 | ARJR105@COMCAST.NET |
| 6. | SUE RAINES | 804-621-3078 | SRAINES@COMCAST.NE |
| 7. | Jeffrey Newbern Jr | 252-564-5162 | NewbernConcrete inc@yah |
| 8. | SHANE PATTERSON | 252 202 7833 | SOUNDSIDEPLUMBING |
| 9. | Jeff Newbern | 202-1028 | ga1821210@gmail.com |
| 10. | Jennie Turner | 252-232-6031 | jennie.turner@currituck |
| 11. | C. Shay Ballance | 252-207-5656 | ShayBallance@hotmail.com |
| 12. | Bobby Haig | 207-5479 | |
| 13. | Mike Payment | 757-763-8110 | |
| 14. | Carry McMillen | | |
| 15. | Emmett McMillen | | |
| 16. | Teresa Leary | 252202 9222 | |
| 17. | | | |
| 18. | | | |
| 19. | | | |
| 20. | | | |
| 21. | | | |
| 22. | | | |

Attachment: 7 University Park Meeting Summary (PB 18-27 Universit Park LLC)

Protocol Sampling Service, Inc.
"Experts in Environmental Compliance"

4114 Laurel Ridge Drive
Raleigh, North Carolina 27612

Protocolsampling@yahoo.com
Environmentalservicesnc.com

(919) 210-6547

October 25, 2018

Mr. David Neff
House Engineering, P.C.
Post Office Box 466
Kitty Hawk, North Carolina 27949

Re: Soil Suitability
University Park Townhomes Phase II B
138 West Mobile Road
Harbinger, Currituck County, North Carolina 27966
Protocol Project No. 15-20

Dear Mr. Neff:

Protocol Sampling Service, Inc. personnel has initiated soil and aquifer testing in the proposed Phase II B portion of the project that will contain seven (7) multi-unit apartment buildings. The soil and sand aquifer in the proposed disposal areas should be considered suitable for pretreatment LPP disposal systems at a LTAR of at least 0.5 gpd/ft$^2$. Further testing as well as mound modelling which is currently under way will determine the final LTAR.

Please call me at (919) 210-6547 if you have any questions or comments.

Sincerely,
**Protocol Sampling Service, Inc.**

David E. Meyer, N.C.L.S.S.
President

cc: TCC, LLC
file

Attachment: 8 House Engineering University Park Phase II B initial soil letter (PB 18-27 Universit Park LLC)

# Currituck County
## Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2336)

**Agenda Item Title**

Proposed Amendment to the Planning Board's Rules of Procedure:

**Brief Description of Agenda Item:**

The amendment is necessary to bring the rules into compliance with the Unified Development Ordinance and common practice. The amendment also proposes a regular meeting time change from 7:00 PM to 6:00 PM.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Cheri Elliott, Assistant

**Presenter of Agenda Item**

Laurie LoCicero

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

To: Planning Board

From: Laurie B. LoCicero, AICP
Planning & Community Development Director

Date: December 4, 2018

Subject: Amended Planning Board's Rules of Procedure

Please find the attached proposed amendment to the Planning Board Rules of Procedure. The amendments are necessary to bring the rules into compliance with the Unified Development Ordinance and common practice. The amendment also proposes a regular meeting time change from 7:00 PM to 6:00 PM.

Please let me know if you have any questions. Thank you.

Attachment: PB Rules of Procedure Amendment Memo (PB 12-11-18) (Rules of Procedure)

# CURRITUCK COUNTY PLANNING BOARD
# RULES OF PROCEDURE

## I. GENERAL RULES

(A) ~~(A)~~ The Planning Board shall be governed by the terms and provisions of Chapter 153A, Article 18 of ~~Chapter 153A of~~ the General Statutes of North Carolina, the Currituck County Code of Ordinances and the Currituck County Unified Development Ordinance (UDO). All members of the board shall familiarize themselves with these laws and ordinances. In cases where the Rules of Procedure conflict with any Federal or North Carolina State Statute, said statutes shall govern.

(B) The Planning Board shall be held to the same standards found in the Currituck County Code of Ordinances, Article II. Board of Commissioners, Division 3. Code of Ethics.

(C) To the extent not provided for in this division and to the extent that the reference does not conflict with the spirit of this division or North Carolina law, the board shall refer to Robert's Rules of Order Newly Revised to resolve procedural questions.

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## II. POWERS AND DUTIES OF PLANNING BOARD

(A) The Planning Board may:

(1) Make studies and recommend to the Board of Commissioners plans, goals and objectives relating to the growth, development and redevelopment of the county;

(2) Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;

(3) Make recommendations to the Board of Commissioners concerning proposed Zoning ~~Atlas~~ Map ~~changes~~ amendments; and,

(4) Perform any other duties assigned by the Board of Commissioners.

(B) The Planning Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of ~~this ordinance~~ the Unified Development Ordinance.

## III. APPOINTMENT AND TERMS OF PLANNING BOARD MEMBERS

(A) There shall be a planning board consisting of seven (7)~~nine (9)~~ members that shall reside within Currituck County~~the county~~ and will be ~~, which is~~ appointed by the Board of Commissioners.

(B) Planning board members shall be appointed for two (2) year staggered terms, ~~but~~ and members ~~may~~ will continue to serve until their successors have been appointed. Terms shall be on a calendar year basis (January 1 through December



Attachment: Rules Of Procedure - Planning Board - with Tracked Changes (Rules of Procedure)

31). Vacancies shall be filled by the Board of Commissioners for the unexpired terms only.

(C) Members may be appointed to a maximum of two (2) successive terms.

(D) Planning board members may be removed by the Board of Commissioners at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty percent (30%) or more of the meetings within any twelve (12) month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the Board of Commissioners shall hold a hearing on the removal before it becomes effective.

(E) If a planning board member changes their ~~his or her~~ residence to a location outside of Currituck County,~~the county that~~ this ~~-~~shall constitute a resignation from the Planning Board~~,~~ effective upon the date a replacement is appointed by the ~~board~~ Board of Commissioners.

IV~~III~~. MEETINGS OF THE PLANNING BOARD

(A) The Planning Board shall establish a regular meeting schedule and shall meet frequently enough ~~so that it can~~ as to take action in conformity with the Unified Development Ordinance. The regular monthly meeting shall be held at the Historic Currituck Courthouse on the second Tuesday of each month at 6~~7~~:00 p.m. In the event of a conflict with a holiday, another event or no business to be conducted, the chairman may suspend or set a different day in which to hold the meeting.

(B) The Planning Board ~~board~~ need not conduct its meetings strictly in accordance with the quasi-judicial procedures. It shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

(C) Minutes shall be kept of all board proceedings.

(D) All board meetings shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

(E) All board meetings shall adhere to the following speaker time limitations per case:

- 20 minutes (Total time for ~~A~~applicant and persons in support of the request.)
- 20 minutes (Total time for ~~P~~persons in opposition of the request.)
- 05 minutes (Applicant rebuttal)

(F) Special meetings may be called by the chairman upon 48 hour advance notice to members of the board. It shall be the ~~duty of the chairman to call a special meeting when, in his judgement, such meetings are~~duty of the chairman to call a special meeting when, in his judgement, such meeting is necessary.



Attachment: Rules Of Procedure - Planning Board - with Tracked Changes (Rules of Procedure)

(G) No case shall be heard by the board unless either the applicant or his authorized representative is in attendance at the meeting. In the event an applicant or his authorized representative does not appear at the meeting, after being duly notified, the case will be tabled to the next meeting.

(H) The order of business for regular meetings of the board shall be as follows:

(1) Call to Order
(2) Pledge of Allegiance and moment of silence
(3) Ask for disqualifications
(43) Announce quorum being met
(5) Approval of Agenda
(46) Approval of Minutes
(57) ~~Unfinished~~ Old business
(68) New business
(79) Announcements
(810) Adjournment

(I) Planning Bboard meetings shall not extend past 10:00 p.m. If the Planning Bboard wishes to hear items past 10:00 p.m. then a majority vote ~~of the board~~ is required to continue the meeting in 15 minute intervals.

## ~~I~~V. QUORUM AND VOTING

(A) A quorum for the P~~p~~lanning B~~b~~oard shall consist of four~~five~~ (4~~5~~) members. A quorum is necessary for the board to take official action.

(B) All actions of the P~~p~~lanning B~~b~~oard shall be taken by majority vote, a quorum being present.

(C) A roll call vote shall be taken upon the request of any member.

(D) No member shall take part in the hearing or in the consideration of or the determination of any case in which they are personally or financially involved and shall voluntarily excuse their self~~him or herself~~, vacate ~~his/her~~their seat and refrain from discussing and voting on said items as a Planning Board member.

(E) Any member of the Planning Board who feels they have~~shall feel that he or she has~~ a conflict of interest on any matter ~~that is~~ on the Planning Board agenda shall voluntarily excuse theirself~~him or herself~~, vacate their~~his/her~~ seat and refrain from discussing and voting on said items as a Planning Board member.

(F) No member, present and voting, shall abstain from voting. Should a member elect not to vote on a particular item, then that shall be recorded as an affirmative vote in the minutes.



Attachment: Rules Of Procedure - Planning Board - with Tracked Changes (Rules of Procedure)

(G) If a motion to approve a request receives a tied vote, then the motion fails as it did not receive the majority of the votes and the request is denied. Likewise, if a motion to deny a request receives a tied vote, then the request is denied as it did not receive approval by a majority vote.

## VI. PLANNING BOARD OFFICERS

(A) At its first meeting in January of each year, the Planning Board shall elect one of its members to serve as chairman and preside over the board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities for a term~~terms~~ of one (1) year. Vacancies in these offices may be filled for the unexpired terms only. ~~Election of officers shall occur as the last item of business before adjournment of the January meeting.~~

(1) The chairman shall preside at all meetings, appoint standing and temporary committees and shall decide all points of order and procedure, unless otherwise directed by a majority of the board in session at the time.

(2) The vice-chairman shall perform the duties of the chairman in the absence of the chairman.

(3) A temporary chairman shall be elected by a majority of those present and voting in the absence of the chairman and vice chairman.

(B) The chairman and vice-chairman may take part in all deliberations and vote on all issues.

(C) Nominations shall be made from the floor and election of officers shall follow immediately. Officers shall immediately take office upon their election.

(D) The nomination and election of a chairman shall precede the nomination and election of a vice-chairman.

(E) A candidate receiving a majority vote of those present and voting shall be declared elected.

(F) Vacancies in office shall be filled immediately by regular election procedures.

(G) A secretary shall be appointed by the Planning Board Chairman. The secretary shall keep a record of all business transacted at any meeting of the Planning Board. The minutes of the Planning Board shall be public record and kept on the county's website.

## ~~VI. POWERS AND DUTIES OF PLANNING BOARD~~

~~(A) The Planning Board may:~~



Attachment: Rules Of Procedure - Planning Board - with Tracked Changes (Rules of Procedure)

~~(1) Make studies and recommend to the Board of Commissioners plans, goals and objectives relating to the growth, development and redevelopment of the county;~~

~~(2) Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;~~

~~(3) Make recommendations to the Board of Commissioners concerning proposed Zoning Atlas changes; and,~~

~~(4) Perform any other duties assigned by the Board of Commissioners.~~

~~(B) The Planning Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.~~

VII. PLANNING ISSUE ADVISORY COMMITTEES

(A) From time to time, the Board of Commissioners may appoint one (1) or more individuals to assist the Planning Board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration the Board of Commissioners may appoint advisory committees to consider Thoroughfare Plans, Housing Plans, Economic Development Plans, etc.

(B) Members of such advisory committees shall sit as nonvoting members of the Planning Board when such issues are being considered and lend their talents, energies, and expertise to the Planning Board. However, all formal recommendations to the Board of Commissioners shall be made by the Planning Board.

(C) Nothing in this section shall prevent the Board of Commissioners from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the board.

VIII. COURTESY HEARINGS

(A) Courtesy hearings may be called by the Planning Board on any matters of interest to the Planning Board.

(B) A quorum shall not be required for conducting a courtesy meeting.

IX. AMENDMENTS

(A) These rules of procedure may be amended by a majority vote of the board provided that the proposed change shall have been submitted in writing at the previous regular meeting of the board.

~~John Cooper~~Carol Bell, Chairman of the Board

Date

Amended 11/10/03; 10/14/08; 5/11/10, 1/13/15, 12/10/18

~~Amended 11/10/03; 10/14/08; 5/11/10, 1/13/15~~



Attachment: Rules Of Procedure - Planning Board - with Tracked Changes (Rules of Procedure)