



**Planning Board  
Agenda Packet**

**November 10, 2020**

**Work Session**

5:30 PM

**Call to Order - 6:00 PM**

- 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 13, 2020****Old Business****New Business**

- A) **PB 18-23 Fost Tract Planned Development-Residential - Amendment #2:** Connect off-site wastewater treatment plant, adjust lot lines and roadway alignments as necessary to accommodate the 500 year Ranchland ditch, and other minor changes for property located at Tax Map 15, Parcel 86, Moyock Township.
- B) **PB 20-16 Currituck County Utility & Drainage Easements Text Amendment:** Request to amend the Unified Development Ordinance, Sections 6.2.3 and 7.3.4 to prohibit placement of on-site wastewater systems in utility and drainage easements and to clarify that drainage easements shall be dedicated to the county.
- C) **PB 20-17 Currituck County:** Requests an amendment to the Unified Development Ordinance, Chapter 4, Use Standards, to correct Agricultural Support and Services, Wind Energy Facility, Large, and Outdoor Tour Operators, Aviation in Table 4.1.1.B. Summary Use Table for the Planned Development Zoning Districts, as previously adopted by the Board of Commissioners.

**Announcements****Adjournment**



## CURRITUCK COUNTY NORTH CAROLINA

October 13, 2020

Minutes – Regular Meeting of the Planning Board

### WORK SESSION

The Currituck County Planning Board held a work session at 5:30 PM in the Historic Courthouse Board Meeting Room with six board members present. Staff members present were: Laurie LoCicero, Planning Director, Jason Litteral, Planner II, and Larry Lombardi, Economic Development Director. The board members were briefed concerning the text amendment on the agenda. Informal discussion followed until 6:00 PM.

### CALL TO ORDER - 6:00 PM

The Planning Board met for a regular meeting in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Present	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Present	
Juanita S Krause	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Laurie LoCicero	Planning Director	Present	
Jason Litteral	Planner II	Present	
Larry Lombardi	Economic Development Director	Present	
Cheri Elliott	Clerk to the Board	Present	

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

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

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

#### B. Ask for Disqualifications

Chairman Ballance asked if any board member had a conflict of interest with the item on the agenda tonight. No conflicts were noted.

#### C. Announce Quorum Being Met

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

## D. Approval of Agenda

Chairman Ballance asked if there were any changes needed to the agenda tonight. With no changes noted, Mr. Bass motioned to approved as presented. Mr. Owens seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member
<b>ABSENT:</b>	J. Timothy Thomas, Board Member

## APPROVAL OF MINUTES FOR JULY 14, 2020

Chairman Ballance asked if there were any changes needed to the minutes for July 14, 2020. Mr. Doll motioned to approve as presented. Mr. Owens seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member
<b>ABSENT:</b>	J. Timothy Thomas, Board Member

## E. PB Minutes - July 14, 2020

### OLD BUSINESS

No old business discussed.

### NEW BUSINESS

#### A. PB 20-15 Tractor Supply Company - Text Amendment:

Jason Litteral, Planner II, presented the staff report. He gave the background information for why the current ordinance language for outdoor display and storage limits the overall size of outdoor display areas to be proportionate to the building containing the use and when this language was enacted outdoor displays were a problem with cluttering in the County. The main problem was in Corolla, along NC 12. The purpose of this text amendment is to allow large outdoor display and storage areas for agricultural support and services only. This proposed amendment will also allow display areas that are not directly adjacent to the building and may be located between the principle structure and the street. Mr. Litteral discussed the reasons Tractor Supply requires outdoor display and presented a PowerPoint showing the display diagram. He also noted an additional change for welding gas to be added to the staff report. Mr. Litteral said staff recommends approval of this text amended, along with the additional change noted. He gave the review standards and read the Statement of Consistency and Reasonableness.

Cathleen Saunders with Quible & Associates came before the board to answer questions from the board.

Chairman Ballance closed the public hearing. There were no citizens present to speak.

Chairman Ballance said he was happy to see Tractor Supply coming to Currituck County.

Mr. Owens motioned to **approve PB 20-15** with the additional changes from tonight because the request is consistent with the goals, objectives, and policies of the Land Use Plan including:

- **POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES** should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

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

- Tractor Supply Company's product line is in harmony with the rural lifestyle of Currituck County and will provide a needed retail service to the community.

Ms. Krause seconded the motion and the motioned carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member
<b>ABSENT:</b>	J. Timothy Thomas, Board Member

## ANNOUNCEMENTS

Ms. LoCicero gave an update on the campground survey and upcoming work session. She said the Board of Commissioners directed staff to do neighborhood meetings for campgrounds. Staff also created a survey and mailed the information to adjacent property owners within 1,000 feet of any campground. Staff has held in person meetings with three of the four campgrounds to receive their input and will meet with KOA before the Board of Commissioner's November 2nd Work Session concerning campgrounds.

## ADJOURNMENT

Mr. Doll motioned to adjourn the meeting. Mr. Bass seconded the motion and the motion carried unanimously with the meeting adjourning at 6:18 PM.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 2965

**Agenda Item Title:** PB 18-23 Fost Tract Planned Development-Residential - Amendment #2:

**Submitted By:** Cheri Elliott – Planning & Community Development

**Item Type:** Legislative

**Presenter of Item:** Laurie LoCicero

**Board Action:** Action

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**Brief Description of Agenda Item:**

Connect off-site wastewater treatment plant, adjust lot lines and roadway alignments as necessary to accommodate the 500 year Ranchland ditch, and other minor changes for property located at Tax Map 15, Parcel 86, Moyock Township.

**Planning Board Recommendation:**

**Staff Recommendation:**

**TRC Recommendation:** Approval with Conditions



# STAFF REPORT

## PB 18-23 FOST TRACT #2 AMENDED PD-R

### PLANNING BOARD

#### NOVEMBER 10, 2020

Attachment: 1 Amendment #2 Fost PD-R PB Staff Report (PB 18-23 Fost Tract)

APPLICATION SUMMARY	
<b>Property Owner:</b> Moyock Development LLC 417 Caratoke Hwy Unit D Moyock NC 27958	<b>Applicant:</b> Moyock Development LLC 417 Caratoke Hwy Unit D Moyock NC 27958
<b>Case Number:</b> PB 18-23	<b>Application Type:</b> Amended Planned Development – Residential #2
<b>Parcel Identification Number:</b> 0015-000-0086-0000	<b>Existing Use:</b> Planned Development – Residential under construction
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 228.83
<b>Moyock Small Area Plan Classification:</b> Limited Service	<b>Zoning History:</b> 1989 (A), 1974 (A-40), 1970 and 1971 (RA-20), 2019 (PD-R)
<b>Current Zoning:</b> PD-R	<b>Proposed Zoning:</b> Amended PD-R #2
<b>Request:</b> Changes requiring amended Master Plan: Connect to off-site WWTP, adjust lot lines and roadway alignments as necessary to accommodate the 500-year Ranchland ditch. Other changes: minor amendment to the clubhouse area and associated pond enlargement, regrouping of multi-family units, eliminating extra parking spaces around three sides of open area in Phase 3, and identifying recreational equipment storage parking as shown on the approved preliminary plat and construction drawings and as required by UDO.	

## REQUEST

### NARRATIVE

The Board of Commissioners originally approved the Planned Development – Residential on May 6, 2019, and then approved a plan amended on November 4, 2019 (attached). If the plan changes noted above under “Request” are approved and the off-site major utility use permit (separate case) is not approved, the Board of Commissioners must approve a third amendment to change the plan back to on-site septic treatment.

Along with the Master Plan amendments, the applicant is proposing the following change to the approved Terms and Conditions document (see attached order):

- a. Add Paragraph G: Wastewater: Developer intends to connect to a major utility, off-site, owned by Currituck Water & Sewer, LLC, for wastewater treatment and disposal. A wastewater collection system will be connected by the Developer and Managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission.

Other changes discovered in the Terms and Conditions Document that must be addressed:

- a. Paragraph K has been added.
- b. Paragraph M has been amended by removal of the last sentence.
- c. There are two Schedule A's. The first Schedule A does not match that which is approved.

- d. Paragraph A is inconsistent with November 4, 2019 approval that “the first phase of the development shall not exceed seventy-one (71) residential units.”

#### COMMUNITY MEETING

A community meeting was held on September 23, 2020 at the Eagle Creek Pavilion. Three members of the community attended the meeting. Primarily questions were regarding how the sewer will work, entrance location, and drainage.

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	
<p>The 2006 Land Use Plan classifies this site as Full Service within the Moyock subarea. The policy emphasis for the Moyock subarea is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Where central sewer is proposed, additional services are available, and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered. The Board of Commissioners found the proposed plan consistent with the following policy in the plan;</p>	
Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. (Summary)



## MOYOCK SMALL AREA PLAN

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

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

### County Engineer Comments

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

## RECOMMENDATION

### Technical Review Committee

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

- Changes to the Terms and Conditions document not called out by the applicant must be addressed. (Planning)
- There is a backup in Rowland Creek near the south of the property that must be cleared and snagged ASAP. (Soil and Stormwater)
- Stormwater management on Rowland Creek and areas downstream north and east of the railroad track are within CAMA jurisdiction, require a 30' setback, and CAMA permitting is required. (CAMA)
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

## CONSISTENCY AND REASONABLENESS STATEMENT

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

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

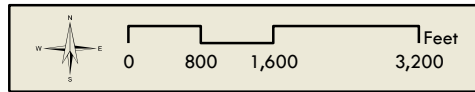
- It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C.
- The conditions placed on the development will improve drainage problems on the property and within nearby Ranchland and Eagle Creek Subdivisions if improvements can be made to drainage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

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

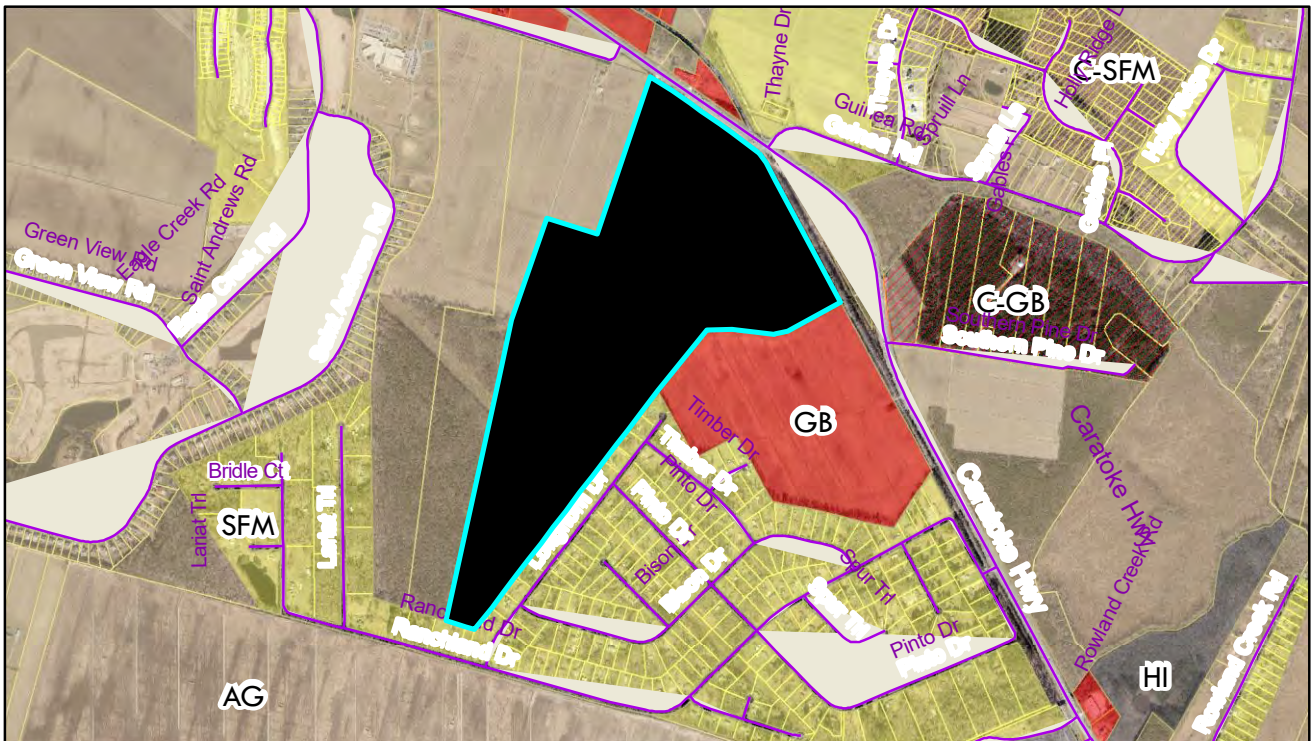
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE  
Board of Commissioners: [www.co.currituck.nc.us/planning-board-minutes-current.cfm](http://www.co.currituck.nc.us/planning-board-minutes-current.cfm)



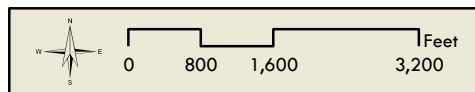
PB 18-23 Foster  
Amended PD-R Zoning  
2016 Aerial Photography



Currituck County  
Planning and  
Community Development

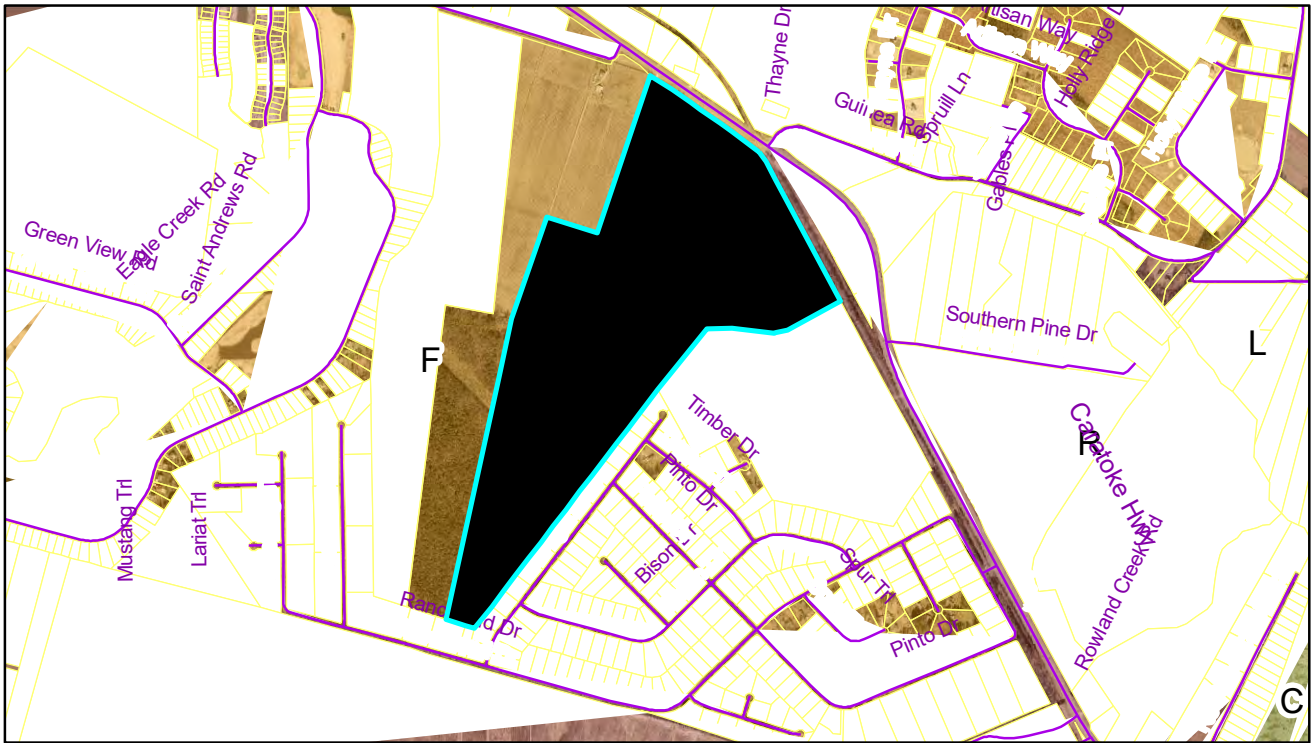


PB 18-23 Foster  
Amended PD-R Zoning  
Zoning

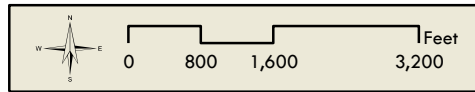


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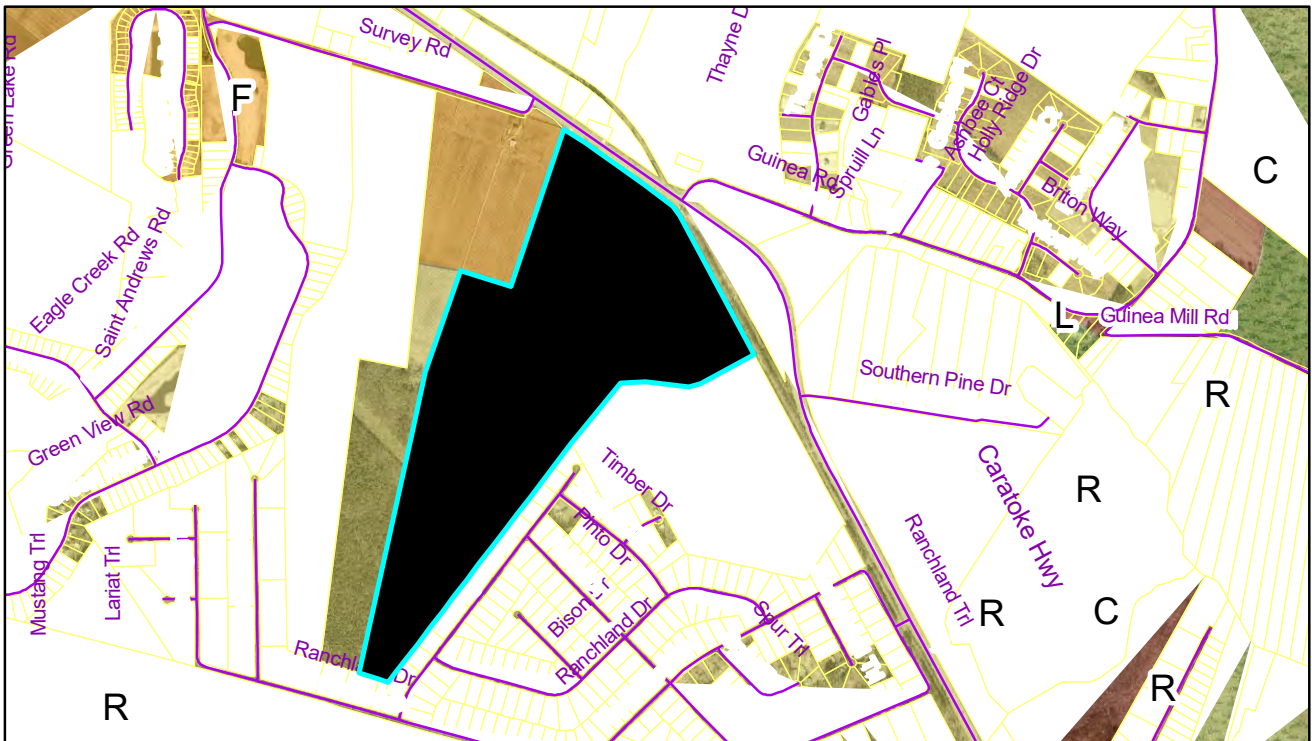




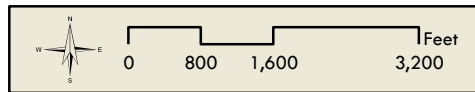
PB 18-23 Foster  
Amended PD-R Zoning  
LUP Classification



Currituck County  
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Community Development

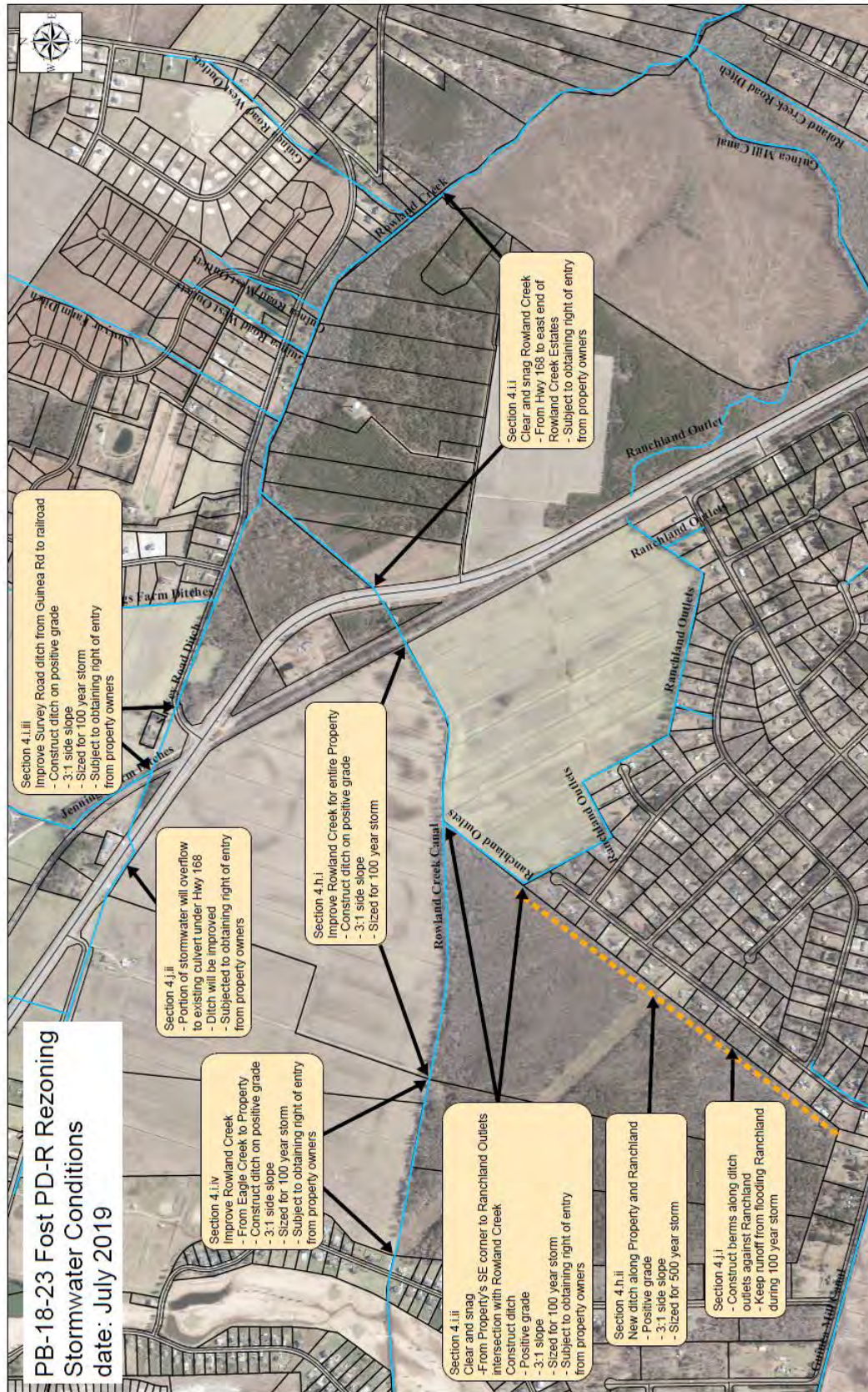


PB 18-23 Foster  
Amended PD-R Zoning  
Moyock SAP Classification



Currituck County  
Planning and  
Community Development









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

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

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

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



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

j. Overall stormwater conditions:

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

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

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

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

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

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

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

## SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>TND T.H.</u>	<u>TND SFLOT</u>	<u>CONV. SFLOT</u>
Min Lot Size:	1,800 SF	7,000 SF	9,000 SF
Typ. Lot Size:	1,800 – 3,000 SF	7,000 – 10,000 SF	9,000 – 17,600 SF
Min. Lot Width:	20'	35'	43'
Typ. Lot Width:	20' – 25'	50' – 60'	62'
Front Setback:	15'	20'	20'
Side Setback:	0	10'	10'
Rear Setback:	20'	20'	25'
Corner Side Setback:	15'	15'	15'
Maximum Setback:	25'	25'	35'
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:	6,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	60%	50%

## SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

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

## SCHEDULE B

PHASING SCHEDULE

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

SCHEDULE C  
ROADWAY  
STANDARDS

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



## Currituck County

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

### MEMORANDUM

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

**From:** Planning Staff

**Date:** October 15, 2020

**Re:** Fost #2 Amended Planned Development Master Plan/Terms and Conditions Documents  
 TRC Comments

The following comments have been received for the October 14, 2020 TRC meeting. In order to be scheduled for the November 10, 2020 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on October 26, 2020. TRC comments are valid for six months from the date of the TRC meeting.

#### **Planning (Tammy Glave, 252-232-6025)**

Reviewed with comment:

1. Recommend also requesting to reword "a." of the approved zoning map amendment since since it may be necessary for an entity other than NCDEQ to review/approve the system.
2. Please make sure all changes to the most recently approved Terms and Conditions Document, November 4, 2019, are identified. For Example:
  - a. Paragraph K has been added.
  - b. Paragraph M has been amended by removal of the last sentence.
  - c. There are two Schedule A's. The first Schedule A does not match that which is approved.
3. Please make sure all changes to the approved Master Plan, November 4, 2019, are identified. For example:
  - a. Regrouping of multi-family units.
  - b. Eliminated parking spaces around three sides of open area in Phase 3.
  - c. Identified recreational equipment storage parking as shown on the approved preliminary plat and construction drawings and as required by UDO.
4. Please add note similar to "BOC must approve Amended Plan Development" or "Not a part of this approval" to note "Reserved for future use for treated effluent and/or groundwater disposal." You can put the note in your own words, but make it clear that the future use identified is not approved with this request.
5. Please be aware that if this amended request is approved and the major utility is not approved, the BOC must approved an Amended Master Plan and Terms and Conditions Document for this development to revert back to on-site sewer.

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

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

Reviewed without comment.

Attachment: 4 Fost Amended PD TRC Comments 10-14-2020 (PB 18-23 Fost Tract)

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

Reviewed without comment.

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

Reviewed without comment.

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

Reviewed with comment:

1. When will the back up in Rowland Creek near the south end be cleared and snagged?

**Currituck County Public Utilities, Water (Will Rumsey, 252-232-6065 and Dave Spence 252-232-4152)**

Reviewed without comment.

**NCDOT (Caitlin Spear, 252-331-4737)**

Reviewed without comment.

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

Reviewed with comment:

1. Previous comment: Concerning stormwater management on Rowland Creek, areas downstream, north and east of the railroad track, are within the Public Trust Area of Environmental Concern (AEC) and have a 30 foot shoreline AEC. Please contact Robert Corbett, DCM Field Representative, before beginning work in and along the creek. He can be reached at 252-264-3901.

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

Reviewed without comment.

**Mediacom (252-482-5583)**

See attached letter.

**US Post Office**

Contact the local post office for mail delivery requirements

**The following items are necessary for resubmittal:**

- 3 - full size copies of revised plans.
- 10 - 11"x17" copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.



**Kim Mason, NC Area Director**
[kmason@mediacomcc.com](mailto:kmason@mediacomcc.com)

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build &amp; Development

Dear Development manager;

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

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

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

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

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

**Bertie County**

Colerain

Kelford

Lewiston

Powellsville

Roxobel

Windsor

**Camden County**

Camden

Shiloh

South Mills

**Martin County**

Jamesville

**Northampton County**

Conway

Galatia

Jackson

Rich Square

Seaboard

Severn

Woodland

**Chowan County**

Arrowhead / Chowan Beach

Edenton

**Currituck County**

Barco

Currituck

Grandy

Moyock

Point Harbor

Poplar Branch

Tulls Bay

**Perquimans County**

Hertford

Winfall

**Tyrrell County**

Columbia

**Washington County**

Creswell

Plymouth

Roper

**About Mediacom Communications**

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

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

Best regards,

Kim Mason

Operations Director, North Carolina

Attachment: 4 Fost Amended PD TRC Comments 10-14-2020 (PB 18-23 Fost Tract)



VENUE MAP SCALE: 1" = 1/4 MI

**GENERAL DEVELOPMENT NOTES**

1. **PROPERTY OWNER:** Sandra B. Frazier, 121 Southshore Drive, Charlotte, NC 27269
2. **APPLICANT:** ALLED PROPERTIES, LLC, 4770 CAMDENE HIGHWAY, MONROE, NC 27868
3. **PROPERTY DATA:** ADDRESS: CAMDENE HIGHWAY, MONROE, NC 27994  
PIN: 003-000-0046-0000  
APPLICANT: 003-000-0046-0000  
APPLICANT: 228.83 ACRES
4. **ZONING:** EXISTING PLANNED DEVELOPMENT - RESIDENTIAL (PD-R)
5. **THE DEVELOPER SHALL DESIGN AND CONSTRUCT OR INSTALL, RECORD OR SUBMIT TO THE RECORDS OF THE CURRITUCK COUNTY PLANNING AND ZONING DEPARTMENT, IN COMPLIANCE WITH APPLICABLE COUNTY, STATE AND FEDERAL REGULATIONS**
6. **THE DEVELOPER SHALL COMPLY TO THE PUBLIC HEARING OF THE PLANNING AND ZONING COMMISSION FOR THE CONSTRUCTION OR INSTALLATION OF RECORDS OF THE CURRITUCK COUNTY PLANNING AND ZONING DEPARTMENT, STATE AND FEDERAL REGULATIONS**

# THE FOST TRACT

## PLANNED DEVELOPMENT - RESIDENTIAL

### AMENDED MASTER PLAN

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

**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.

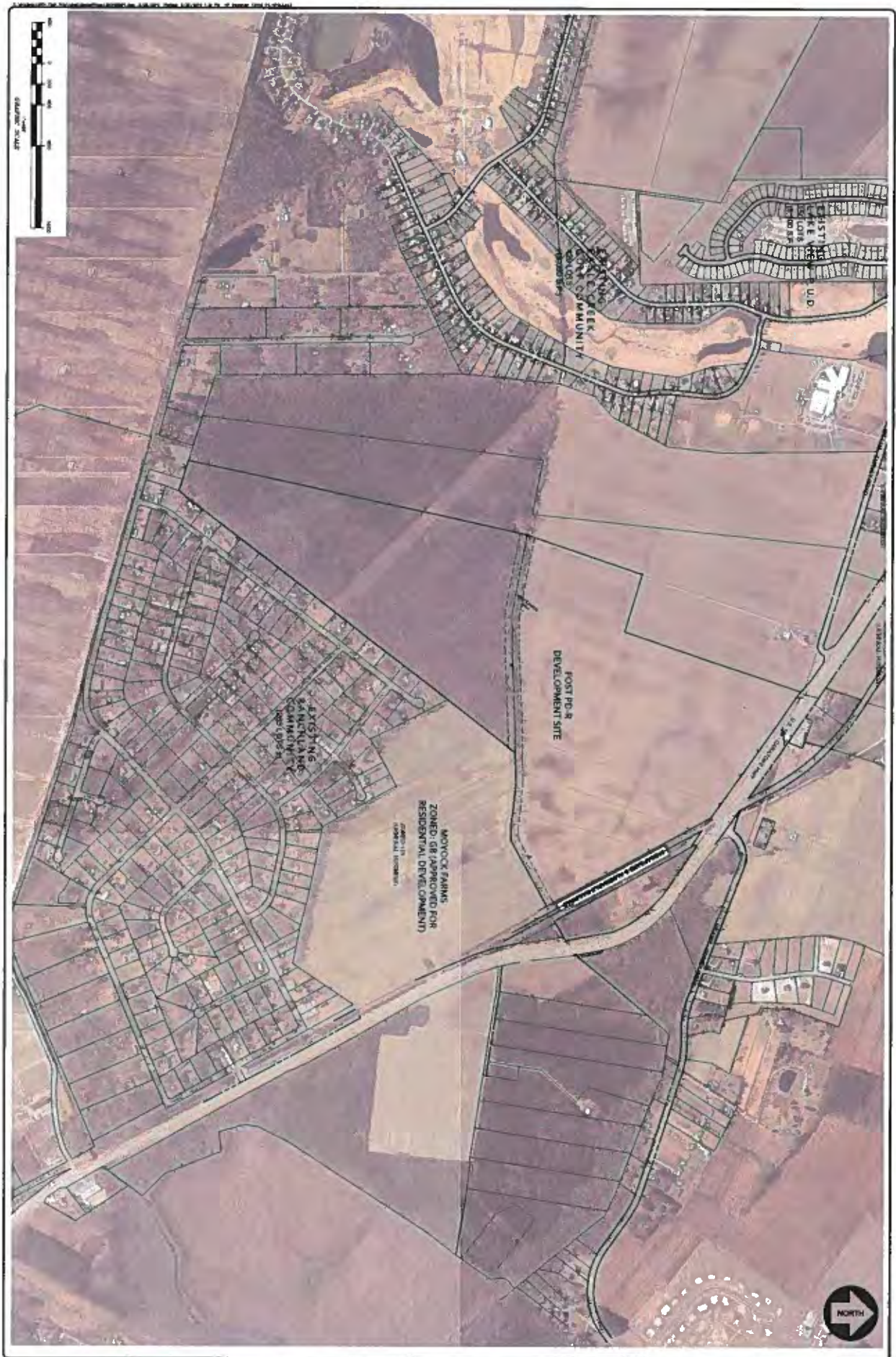
**SHEET**

**DESCRIPTION**

1. COVER SHEET & DEVELOPMENT NOTES
2. DEVELOPMENT SETTING/CONTEXT
3. AMENDED DEVELOPMENT PLAN
4. PRELIMINARY DEVELOPMENT PHASING OVERVIEW
5. PRELIMINARY DEVELOPMENT UTILITY OVERVIEW

<b>THE FOST TRACT PD-R</b> MOYOCK TOWNSHIP CURRITUCK COUNTY		<b>COVER SHEET</b> <b>DEVELOPMENT NOTES</b> <small>THIS DEVELOPMENT IS THE FOST TRACT PD-R, INC. OF 1000 ACRES, SITES 1 &amp; 2, 3 &amp; 4, 5 &amp; 6, 7 &amp; 8, 9 &amp; 10, 11 &amp; 12, 13 &amp; 14, 15 &amp; 16, 17 &amp; 18, 19 &amp; 20, 21 &amp; 22, 23 &amp; 24, 25 &amp; 26, 27 &amp; 28, 29 &amp; 30, 31 &amp; 32, 33 &amp; 34, 35 &amp; 36, 37 &amp; 38, 39 &amp; 40, 41 &amp; 42, 43 &amp; 44, 45 &amp; 46, 47 &amp; 48, 49 &amp; 50, 51 &amp; 52, 53 &amp; 54, 55 &amp; 56, 57 &amp; 58, 59 &amp; 60, 61 &amp; 62, 63 &amp; 64, 65 &amp; 66, 67 &amp; 68, 69 &amp; 70, 71 &amp; 72, 73 &amp; 74, 75 &amp; 76, 77 &amp; 78, 79 &amp; 80, 81 &amp; 82, 83 &amp; 84, 85 &amp; 86, 87 &amp; 88, 89 &amp; 90, 91 &amp; 92, 93 &amp; 94, 95 &amp; 96, 97 &amp; 98, 99 &amp; 100, 101 &amp; 102, 103 &amp; 104, 105 &amp; 106, 107 &amp; 108, 109 &amp; 110, 111 &amp; 112, 113 &amp; 114, 115 &amp; 116, 117 &amp; 118, 119 &amp; 120, 121 &amp; 122, 123 &amp; 124, 125 &amp; 126, 127 &amp; 128, 129 &amp; 130, 131 &amp; 132, 133 &amp; 134, 135 &amp; 136, 137 &amp; 138, 139 &amp; 140, 141 &amp; 142, 143 &amp; 144, 145 &amp; 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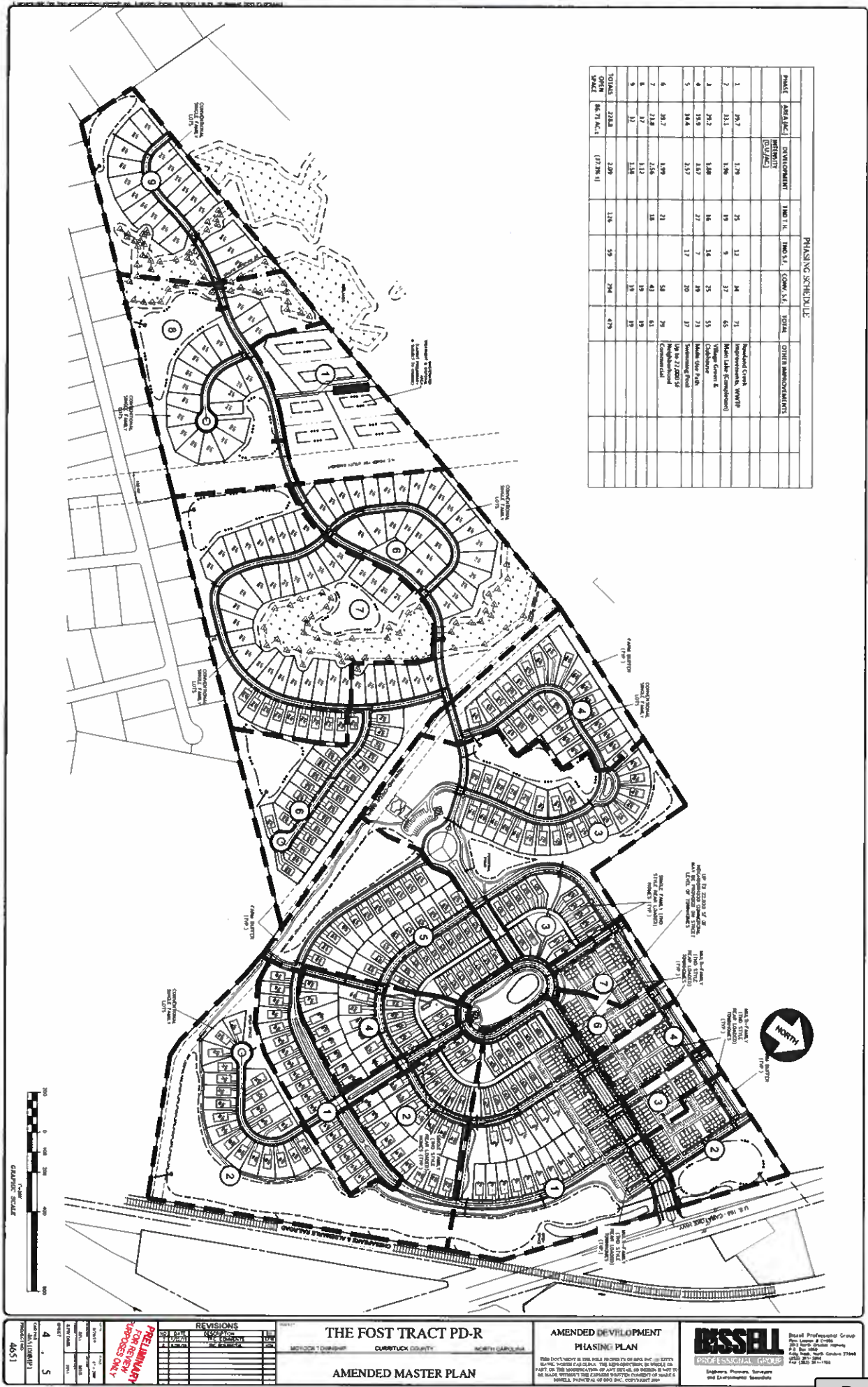


<b>THE FOST TRACT PD-R</b> MOYOCK TOWNSHIP    CURRITUCK COUNTY    NORTH CAROLINA		<b>DEVELOPMENT SETTING</b> (CONTEXT)	
<b>AMENDED MASTER PLAN</b>			
PRELIMINARY FOR REVIEW PURPOSES ONLY		Bissell Professional Group 2015 Lenoir Ave. Suite 200 P.O. Box 100000 Raleigh, North Carolina 27604 (919) 871-1100	









**THE POST TRACT PD-R**

**AMENDED MASTER PLAN**

**AMENDED DEVELOPMENT**

**PHASING PLAN**

**REVISIONS**

NO.	DATE	DESCRIPTION
1	10/1/18	Initial Plan
2	10/1/18	Initial Plan
3	10/1/18	Initial Plan
4	10/1/18	Initial Plan
5	10/1/18	Initial Plan

**PRELIMINARY**

**FOR REVIEW**

**DO NOT CONSTRUCT**

**4**

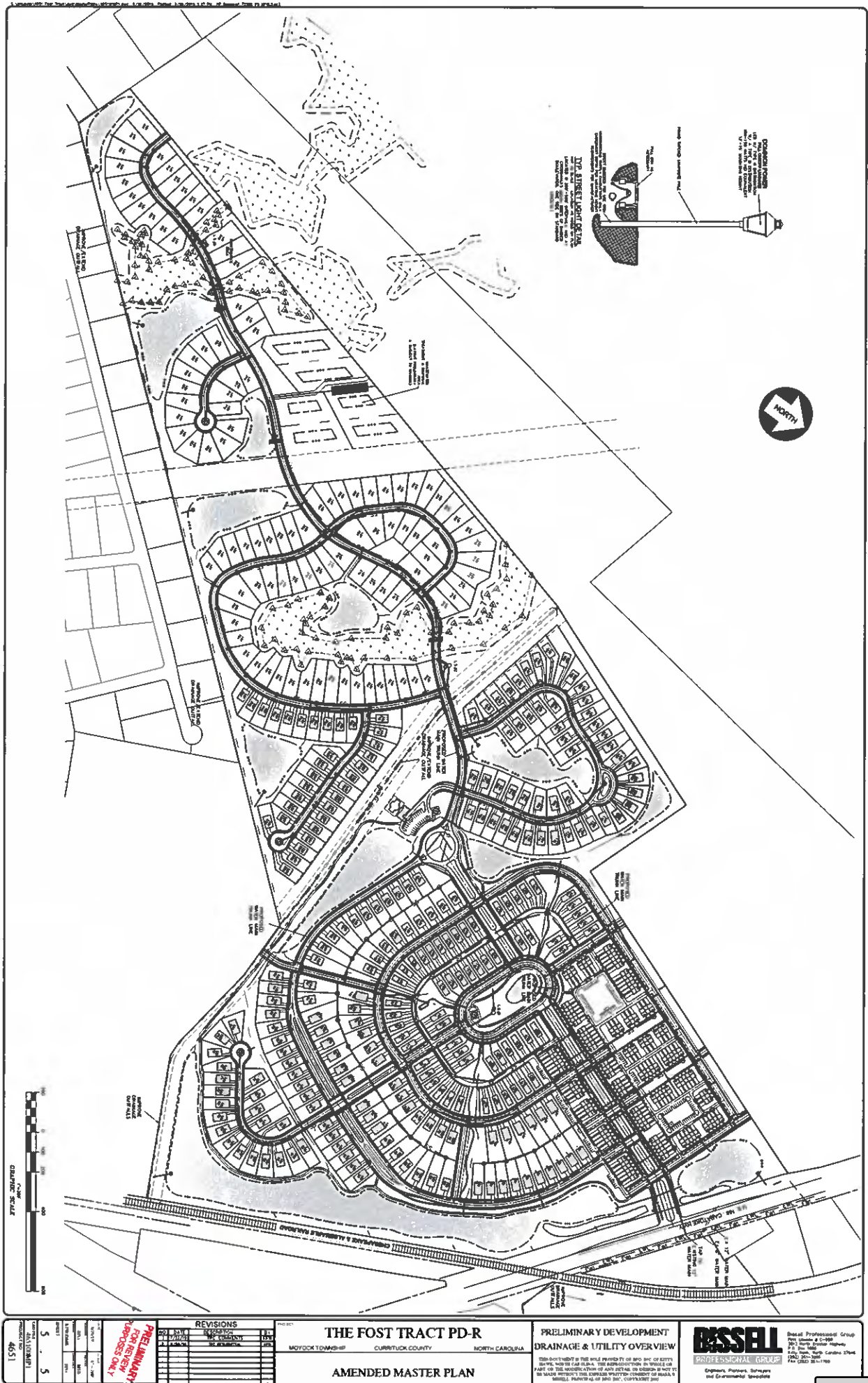
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**4651**

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## Planned Development Application

### OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

#### APPLICANT:

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

#### PROPERTY OWNER:

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

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

### Property Information

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

### Request

Current Zoning of Property: PD-R

#### 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: 9/23/2020 Meeting Location: Eagle Creek Event Pavilion

### Planned Development Request

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

Property Owner(s)

NOTES: 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.

Date

Planned Development Application

Page 6 of 7

Revised 7/1/2019

Attachment: 6 Application (PB 18-23 Fost Tract)





## Planned Development Application

### OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

#### APPLICANT:

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 Address: 417-D Caratoke Hwy.  
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Date

Planned Development Application

Page 6 of 7

Revised 7/1/2019

Attachment: 7 fost-app-20oct14 (PB 18-23 Fost Tract)



## Planned Development Terms and Conditions, and Submittal Checklist

The terms and conditions document shall incorporate by reference or include, but not be limited to the items listed in the 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.

## Planned Development Terms and Conditions and Submittal Checklist

Date Received: \_\_\_\_\_ TRC Date: \_\_\_\_\_

Project Name: 4651- Post Text Amendment

Applicant/Property Owner: Moyock Development, LLC

Terms and Conditions Checklist		
1	Conditions related to approval of the application for the PD zoning district classification.	X
2	The master plan, including and density/intensity standards, dimensional standards, and development standards established in the master plan.	X
3	Conditions related to the approval of the master plan, including any conditions related to the form and design of development shown in the master plan.	X
4	Provisions addressing how transportation, potable water, wastewater, stormwater management, and other infrastructure will be provided to accommodate the proposed development.	X
5	Provisions related to environmental protection and monitoring.	X
6	Any other provisions the Board of Commissioners determines are relevant and necessary to the development of the PD in accordance with applicable standards and regulations.	X

Submittal Checklist		
1	Complete Planned Development application	X
2	Application fee (\$300 plus \$5 for each acre or part thereof)	X
3	Community meeting written summary	X
4	Master Plan	X
5	Terms and Conditions	X
6	3 copies of plans	X
7	2 hard copies of ALL documents	X
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	X

### For Staff Only

#### Pre-application Conference

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

\_\_\_\_\_  
\_\_\_\_\_

#### Comments

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **Fost PD-R Amendment No. 2 and Preliminary Plat Amendment**

**September 23, 2020**

**Scheduled Time/Place: 4:00pm and 6:00pm, Eagle Creek Pavilion**

**The first meeting began at 4:00pm/Meeting Ended: at approximately 4:40pm**

**The second meeting began at 5:50pm/Meeting ended at approximately 6:15pm**

**Attendees:** (See attached sign-in sheets)

**Also:** Jennie Turner, Currituck County  
Justin Old, Developer  
Mark Bissell, Engineer

<b>Comments from the Community</b>	<b>How Addressed</b>
How will the sewer work?	It is proposed that wastewater be pumped to Eagle Creek for treatment and disposal. A site is being set aside for future disposal of treated effluent and/or groundwater from the Eagle Creek site.
Where will the entrance be located and when will it be constructed?	About halfway between the railroad tract and Survey road. The work is supposed to begin on the entrance road next week and you should see the connection within two weeks.
How will the new drainage ditch work and can Ranchland properties connect?	The ditch will be constructed along the property line with all of the widening taking place on the Fost side. The Ranchland side of the ditch actually extends onto many of the Ranchland lots that will have direct access to it. The ditch will be connected to the Rowland Creek canal which is also being improved.
Where will the berm be located?	On the Fost side of the Ranchland ditch.

### **Summary:**

Between the two meetings, only three residents showed up, all from Ranchland. Their questions were addressed and they seemed satisfied. There being no further questions or comments the meetings were adjourned.

Attachment: 7 fost-app-20oct14 (PB 18-23 Fost Tract)



September 24, 2020

Ms. Tammy Glave, CZO, Senior Planner  
Currituck County Department of Planning & Community Development  
153 Courthouse Road, Suite 110  
Currituck, NC 27929

Re: The Fost Tract-Application for PD-R Amendment (Second Amendment)

Dear Tammy,

We are submitting three copies of plans, one 8.5 x 11 reduction, 2 hard copies of documents and a pdf on CD of a request for plan amendment to the Fost PD-R to provide for an off-site wastewater system connection, minor amendment to the clubhouse area and associated pond enlargement, and to adjust lot lines and roadway alignments as necessary to accommodate the 500-year Ranchland ditch. The following are included in this package:

- Application
- Review Fee
- Amended master plan drawing
- Amendment to Terms & Conditions
- Community meeting minutes and sign-in sheets

We believe this package meets the submittal requirements for review of this request; please let us know if you find that you need anything additional in order to be able to place this item on the October TRC agenda for review.

Sincerely yours,  
BISSELL PROFESSIONAL GROUP



Mark Bissell, PE

cc: Mr. Justin Old

# Community Meeting Sign-In Sheet

## Fost Development

September 23, 2020

**4:00 P.M.**

[illegible]

**Attachment: 7 fost-app-20oct14 (PB 18-23 Fost Tract)**

**September 23, 2020  
6:00 P.M.**

[illegible]



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

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

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

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

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

j. Overall stormwater conditions:

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

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

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

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



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

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

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

## SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>TND T.H.</u>	<u>TND SFLOT</u>	<u>CONV. SFLOT</u>
Min Lot Size:	1,800 SF	7,000 SF	9,000 SF
Typ. Lot Size:	1,800 – 3,000 SF	7,000 – 10,000 SF	9,000 – 17,600 SF
Min. Lot Width:	20'	35'	43'
Typ. Lot Width:	20' – 25'	50' – 60'	62'
Front Setback:	15'	20'	20'
Side Setback:	0	10'	10'
Rear Setback:	20'	20'	25'
Corner Side Setback:	15'	15'	15'
Maximum Setback:	25'	25'	35'
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:	6,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	60%	50%

## SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

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

## SCHEDULE B

PHASING SCHEDULE

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

**SCHEDULE C**  
**ROADWAY**  
**STANDARDS**

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

## **Fost PD-R Amendment No. 2 and Preliminary Plat Amendment**

**September 23, 2020**

**Scheduled Time/Place: 4:00pm and 6:00pm, Eagle Creek Pavilion**

**The first meeting began at 4:00pm/Meeting Ended: at approximately 4:40pm**

**The second meeting began at 5:50pm/Meeting ended at approximately 6:15pm**

**Attendees:** (See attached sign-in sheets)

**Also:** Jennie Turner, Currituck County  
Justin Old, Developer  
Mark Bissell, Engineer

<b>Comments from the Community</b>	<b>How Addressed</b>
How will the sewer work?	It is proposed that wastewater be pumped to Eagle Creek for treatment and disposal. A site is being set aside for future disposal of treated effluent and/or groundwater from the Eagle Creek site.
Where will the entrance be located and when will it be constructed?	About halfway between the railroad tract and Survey road. The work is supposed to begin on the entrance road next week and you should see the connection within two weeks.
How will the new drainage ditch work and can Ranchland properties connect?	The ditch will be constructed along the property line with all of the widening taking place on the Fost side. The Ranchland side of the ditch actually extends onto many of the Ranchland lots that will have direct access to it. The ditch will be connected to the Rowland Creek canal which is also being improved.
Where will the berm be located?	On the Fost side of the Ranchland ditch.

### **Summary:**

Between the two meetings, only three residents showed up, all from Ranchland. Their questions were addressed and they seemed satisfied. There being no further questions or comments the meetings were adjourned.

# Community Meeting Sign-In Sheet

## Fost Development

**September 23, 2020**

**4:00 P.M.**

[illegible]

# Community Meeting Sign-In Sheet

## Fost Development

**September 23, 2020**

**6:00 P.M.**

[illegible]



November 2019  
Approved Plan





October 2020  
Proposed Changes





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 2964

**Agenda Item Title:** PB 20-16 Currituck County Utility & Drainage Easements Text Amendment:

**Submitted By:** Jennie Turner – Planning & Community Development

**Item Type:** Legislative

**Presenter of Item:** Jennie Turner

**Board Action:** Action

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**Brief Description of Agenda Item:**

Request to amend the Unified Development Ordinance, Sections 6.2.3 and 7.3.4 to prohibit placement of on-site wastewater systems in utility and drainage easements and to clarify that drainage easements shall be dedicated to the county.

**Planning Board Recommendation:**

**Staff Recommendation:** Approval

**TRC Recommendation:**



## Currituck County

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

To: Planning Board

From: Planning Staff

Date: November 2, 2020

Subject: PB 20-16 Currituck County – Text Amendment  
 Utility and Drainage Easements

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### Request

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department will revise the UDO to prohibit on-site wastewater systems in utility and maintenance access drainage easements on individual lots. It also clarifies that required maintenance access drainage easements for major drainage features shall be dedicated to the county.

### Background

Staff has received permit applications with septic systems proposed in required utility and drainage easements. Staff recommends prohibiting placement of septic systems in required utility and drainage easements because the easements need to be protected for their intended use. Drainage easements are necessary to maintain required waterway conveyance systems that are often part of a project's stormwater system. Maintenance of these systems involves the use of heavy equipment which may damage or destroy required septic system components.

The ordinance does not explicitly prohibit septic systems in easements; therefore, staff has issued permits and placed the following note on building or site plans: "Septic lines are located within the maintenance access drainage easement. Any future drainage maintenance in this area could potentially cause damage to these septic lines."

The County Engineer recommended that a better practice for protecting critical on-site septic systems is to amend the ordinance to specifically prohibit their placement in easements. This text amendment request is necessary to resolve repeated issues of septic proposed in utility and drainage easements.

The second part of the text amendment clarifies that, on new projects, easements established along major drainage features will be conveyed to Currituck County. Major drainage features include the following conveyances: Hog Bridge Ditch, Guinea Mill, Upper Guinea Mill, Lateral "A", Lateral "B", Lateral "C", Haywood Ditch, Rowland Creek Canal, Eagle Creek Canal (also known as Western Canal) and Shingle Landing Creek Canal.



### Text Amendment Review Standards

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

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

### Staff Recommendation

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

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

1. 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.
2. POLICY WQ8: Currituck County shall support the development and maintenance of a countywide COMPREHENSIVE DRAINAGE AND FLOOD MANAGEMENT PLAN, including public and private actions in support of plan implementation. Currituck County shall support County, NCDOT and property owner cooperation in preventing and resolving stormwater problems.
3. POLICY WS6: Currituck County endorses the proper use and maintenance of APPROVED SEPTIC SYSTEMS in suitable soils as an environmentally acceptable means of treating and dispersing waste from low-density development.
4. POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments.

The request is reasonable and in the public interest because:

1. It clarifies that required maintenance access drainage easements shall be dedicated to the county to ensure access to maintain drainage infrastructure.
2. It prohibits placement of on-site wastewater systems in utility and drainage easements to protect individual site improvements from potential damage.



**STAFF REPORT  
PB20-16 CURRITUCK COUNTY  
UTILITY & DRAINAGE EASEMENTS  
TEXT AMENDMENT  
PLANNING BOARD  
NOVEMBER 10, 2020**

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 6 Subdivision and Infrastructure Standards to prohibit placement of on-site wastewater systems in utility easements and Chapter 7 Environmental Protection to clarify that drainage easements shall be dedicated to the county and to prohibit placement of on-site wastewater systems in maintenance access drainage easements.

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 6 is amended by adding the following underlined language:

**6.2.3. Utility Standards**

**B. Utility Easements**

- (1) Each subdivision shall provide utility easements in accordance with the following standards:
  - (a) Ten-foot-wide easements shall be provided along all rear and side lot lines.
  - (b) Fifteen-foot-wide easements shall be provided along all front lot lines.
  - (c) Alternative easement locations may be considered by the Planning Director as part of a planned development, conservation subdivision, or zero lot line development.
  - (d) On-site wastewater systems are prohibited in all utility easements on an individual lot.
- (2) Whenever a subdivision includes water, sewer, electrical power, telephone, or cable television utilities intended for operation by a public utility or entity other than the subdivider, the subdivider shall transfer all necessary ownership or easement rights to enable the public utility or other entity to operate and maintain the utilities.

**Item 2:** That Chapter 7 is amended by adding the following underlined language and deleting the strikethrough language:

#### **7.3.4. Stormwater Management Standards**

##### **B. Drainage Requirements**

- (10) Development subject to these standards shall provide maintenance access drainage easements to the county in accordance with ~~Section 6.2.3.B, Utility Easements~~ and the following standards:
- (a) Easements shall be provided along at least one side of waterway conveyance systems that drain more than five acres. The easement shall include the conveyance and an additional twenty-five feet measured from the top of embankment.
  - (b) Easements shall be provided along both sides of the following waterway conveyance systems:
    - (i) Hog Bridge Ditch;
    - (ii) Guinea Mill;
    - (iii) Upper Guinea Mill;
    - (iv) Lateral "A";
    - (v) Lateral "B";
    - (vi) Lateral "C";
    - (vii) Haywood Ditch;
    - (viii) Rowland Creek Canal;
    - (ix) Eagle Creek Canal (also known as Western Canal); and
    - (x) Shingle Landing Creek Canal.

The easement shall include the conveyance and an additional fifty feet measured from the top of each embankment.
  - (c) On-site wastewater systems are prohibited in all maintenance access drainage easements on an individual lot.

**Item 3:** Statement of Consistency and Reasonableness:

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

1. 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.
2. POLICY WQ8: Currituck County shall support the development and maintenance of a countywide COMPREHENSIVE DRAINAGE AND FLOOD MANAGEMENT PLAN, including public and private actions in support of plan implementation. Currituck County

shall support County, NCDOT and property owner cooperation in preventing and resolving stormwater problems.

3. POLICY WS6: Currituck County endorses the proper use and maintenance of APPROVED SEPTIC SYSTEMS in suitable soils as an environmentally acceptable means of treating and dispersing waste from low-density development.
4. POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments.

The request is reasonable and in the public interest because:

1. It clarifies that required maintenance access drainage easements shall be dedicated to the county to ensure access to maintain drainage infrastructure.
2. It prohibits placement of on-site wastewater systems in utility and drainage easements to protect individual site improvements from potential damage.

**Item 4:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 5:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
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: \_\_\_\_\_







## Text Amendment Application

**OFFICIAL USE ONLY:**

Case Number: PB 20-16  
 Date Filed: 9/23/20  
 Gate Keeper: C. C. C. C.  
 Amount Paid: /

**Contact Information**
**APPLICANT:**

Name: County of Currituck  
 Address: 153 Courthouse Road Suite 204  
Currituck, NC 27929  
 Telephone: 252-232-2075  
 E-Mail Address: ben.stikeleather@currituckcountync.gov

**Request**

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

Amend Chapter(s) 6 & 7

Section(s) 6.2.3 Utility Standards &  
7.3.4 Stormwater Management Standards

as follows: Prohibit on-site wastewater systems in all utility, maintenance and drainage

easements on individual lots.

Specify that required drainage easements shall be dedicated to the county.

\*Request may be attached on separate paper if needed.

Bm M

Petitioner

9/23/20  
Date

Amend UDO by deleting the following struck-through language and adding the following underlined language:

### 6.2.3 Utility Standards

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#### B. Utility Easements

- (1) Each subdivision shall provide utility easements in accordance with the following standards:
  - (a) Ten-foot-wide easements shall be provided along all rear and side lot lines.
  - (b) Fifteen-foot-wide easements shall be provided along all front lot lines.
  - (c) Alternative easement locations may be considered by the Planning Director as part of a planned development, conservation subdivision, or zero lot line development.
  - (d) On-site wastewater systems are prohibited in all utility easements on an individual lot.
- (2) Whenever a subdivision includes water, sewer, electrical power, telephone, or cable television utilities intended for operation by a public utility or entity other than the subdivider, the subdivider shall transfer all necessary ownership or easement rights to enable the public utility or other entity to operate and maintain the utilities.

### 7.3.4 Stormwater Management Standards

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#### B. Drainage Requirements

- (10) Development subject to these standards shall provide maintenance access drainage easements to the county in accordance with ~~Section 6.2.3.B, Utility Easements~~ and the following standards:
  - (a) Easements shall be provided along at least one side of waterway conveyance systems that drain more than five acres. The easement shall include the conveyance and an additional twenty-five feet measured from the top of embankment.
  - (b) Easements shall be provided along both sides of the following waterway conveyance systems:
    - (i) Hog Bridge Ditch;
    - (ii) Guinea Mill;
    - (iii) Upper Guinea Mill;
    - (iv) Lateral "A";

- (v) Lateral "B";
- (vi) Lateral "C";
- (vii) Haywood Ditch;
- (viii) Rowland Creek Canal;
- (ix) Eagle Creek Canal (also known as Western Canal); and
- (x) Shingle Landing Creek Canal.

The easement shall include the conveyance and an additional fifty feet measured from the top of each embankment.

- (c) On-site wastewater systems are prohibited in all maintenance access drainage easements on an individual lot.





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 2961

**Agenda Item Title:** PB 20-17 Currituck County:

**Submitted By:** Donna Voliva – Planning & Community Development

**Item Type:**

**Presenter of Item:** Donna Voliva

**Board Action:** Action

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**Brief Description of Agenda Item:**

Requests an amendment to the Unified Development Ordinance, Chapter 4, Use Standards, to correct Agricultural Support and Services, Wind Energy Facility, Large, and Outdoor Tour Operators, Aviation in Table 4.1.1.B. Summary Use Table for the Planned Development Zoning Districts, as previously adopted by the Board of Commissioners.

**Planning Board Recommendation:**

**Staff Recommendation:** Approval

**TRC Recommendation:**



## Currituck County

Planning and Community Development Department

Planning and Zoning Division

153 Courthouse Road Suite 110

Currituck NC 27929

252-232-3055 Fax 252-232302

To: Planning Board

From: Planning Staff

Date: October 26, 2020

Subject: PB 20-17 Currituck County – 2020 Housekeeping Corrections

### Request

The proposed text amendment submitted by Currituck County is to correct the Unified Development Ordinance (UDO), Chapter 4, Table 4.1.1.B. Summary Use Table - Planned Development Zoning Districts for the following uses:

- Agriculture Support and Services (Not Directly Related) – Distribution Hub for Agricultural Products
- Utilities – Large Wind Energy Facilities
- Recreation/Entertainment, Outdoor – Aviation Outdoor Tour Operator

### Background

The Summary Use Table (Table 4.1.1.B.) for Planned Developments was added to the UDO with the adoption of PB 19-25 Currituck County – Currituck Station June 15, 2020. The new Table 4.1.1.B. did not include three text amendments that were adopted by the Board of Commissioners during the time PB 19-25 was drafted, considered, and adopted. This text amendment incorporates the following adopted text amendments that included changes to use types in the Planned Development Zoning Districts:

- PB 19-26 Nutrien Ag Solutions adopted December 2, 2019
  - Amendment added agronomic uses as a permitted use to the distribution hub for agricultural products use type in the Summary Use Table
- PB 17-14 Currituck County adopted January 22, 2019
  - Amendment removed large wind energy facilities as a permitted use type from the Summary Use Table
- PB 19-09 Bruce Weaver, Kitty Hawk Kites adopted June 3, 2019
  - Amendment added aviation outdoor tour operator as a permitted use type in the Summary Use Table

### Text Amendment Review Standards

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

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other

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

### Staff Recommendation

The proposed text amendment will amend language in the UDO that was previously adopted by the Board of Commissioners. The text amendment PB 19-25 Currituck County – Currituck Station adopted June 15, 2020 did not include the three previously approved amendments. Each of the three text amendments (PB 19-26, PB 17-14, and PB 19-09) included the adoption of a written statement of consistency and reasonableness that was specific to the amendment. The 2006 Land Use Plan does not directly address text amendments that are corrections to the ordinance.

Staff recommends approval of the request to amend the Summary Use Table (Table 4.1.1.B.) for Planned Developments that will incorporate the adopted language from PB 19-26 Nutrien Ag Solutions, PB 17-14 Currituck County, and PB 19-09 Bruce Weaver, Kitty Hawk Kites.

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

- 1. POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County (PB 19-26 Nutrien Ag Solutions and PB 19-09 Bruce Weaver Kitty Hawk Kites).
- 2. POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND PIN-OFFS shall also be recognized. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)
- 3. POLICY ID5: WAREHOUSING, STORAGE AND DISTRIBUTION facilities shall have access to thoroughfares of adequate traffic carrying capacity and shall be appropriately designed and/or visually buffered according to the visibility of their location. (PB 19-26 Nutrien Ag Solutions)
- 4. It removes a potential conflict between wind energy facilities and the operation of a nearby naval annex. (PB 17-14 Currituck County)
- 5. POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOUCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)

The request is reasonable and in the public interest because:

- 1. The text amendment replaces language previously adopted by the Board of Commissioners that:
  - a. Is an existing and necessary support service for agriculture. (PB 19-26 Nutrien Ag Solutions)

- b. May help preserve farm culture and promote farm and open space conservation through diversifying low impact uses of agricultural land. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)
- c. Provides economic diversification and local economic development. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)
- d. Removes a potential conflict between wind energy facilities and the operation of an existing navel annex. (PB 17-14 Currituck County)





# PB 20-17 CURRITUCK COUNTY TEXT AMENDMENT PLANNING BOARD NOVEMBER 10, 2020

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 4. Use Standards to correct Agricultural Support and Services, Wind Energy Facility, large, and Outdoor Tour Operators, Aviation in the summary use table for Planned Developments as adopted by the Board of Commissioners.

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 deleting the following strikethrough language and adding the underlined language in Table 4.1.1.B.:

TABLE 4.1.1.B: SUMMARY USE TABLE															
Z = Zoning Compliance Permit;    U = Use Permit;    MP = Allowed with Master Plan; CZ= Allowed in a Conditional Zoning District    blank cell = Prohibited															
USE CATEGORY	USE TYPE	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]													
		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS									ADDITIONAL REQ. (4.2. ____)	
					CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN	OAK TRAIL			
AGRICULTURAL USE CLASSIFICATION															
Agricultural Support and Services (Not Directly Related)	Distribution hub for agricultural <u>and agronomic</u> products		MP												1.C
INSTITUTIONAL USE CLASSIFICATION															
Utilities	Wind energy facility, large		MP	MP											<del>3.K</del>
COMMERCIAL USE CLASSIFICATION															
Recreation/Entertainment, Outdoor	<u>Outdoor tour operator, Aviation</u>		MP	MP											<u>4.F.7</u>

Attachment: 20-17 CC - Corrections Housekeeping (PB 20-17 Currituck County)

**Item 2: Staff suggested Statement of Consistency and Reasonableness:**

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

1. POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County (PB 19-26 Nutrien Ag Solutions and PB 19-09 Bruce Weaver Kitty Hawk Kites).
2. POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND PIN-OFFS shall also be recognized. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)
3. POLICY ID5: WAREHOUSING, STORAGE AND DISTRIBUTION facilities shall have access to thoroughfares of adequate traffic carrying capacity and shall be appropriately designed and/or visually buffered according to the visibility of their location. (PB 19-26 Nutrien Ag Solutions)
4. It removes a potential conflict between wind energy facilities and the operation of a nearby naval annex. (PB 17-14 Currituck County)
5. POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOUCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)

The request is reasonable and in the public interest because:

1. The text amendment replaces language previously adopted by the Board of Commissioners that:
  - a. Is an existing and necessary support service for agriculture. (PB 19-26 Nutrien Ag Solutions)
  - b. May help preserve farm culture and promote farm and open space conservation through diversifying low impact uses of agricultural land. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)
  - c. Provides economic diversification and local economic development. (PB 19-09 Bruce Weaver, Kitty Hawk Kites)
  - d. Removes a potential conflict between wind energy facilities and the operation of an existing navel annex. (PB 17-14 Currituck County)

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

**Item 4:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
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\_\_\_\_  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

Attachment: 20-17 CC - Corrections Housekeeping (PB 20-17 Currituck County)



## Text Amendment Application

**OFFICIAL USE ONLY:**

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

**Contact Information**
**APPLICANT:**

Name: Currituck County  
 Address: 153 Courthouse Road  
Currituck, NC 27929  
 Telephone: 252-232-3055  
 E-Mail Address: \_\_\_\_\_

**Request**

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

Amend Chapter(s) 4 Section(s) 4.1.2. Table 4.1.1.B as follows:

The proposed text amendment is to correct the the Planned Development Summary Use Table  
to reestablish or modify three uses excluded from a recent text amendment. The amendment  
includes corrections for large wind energy facilities, agricultural support and services, and aviation outdoor tour operators.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\*Request may be attached on separate paper if needed.

Laurie B. LeCicero  
 Petitioner

October 8, 2020  
 Date