



**Planning Board
Agenda Packet**

January 12, 2021

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 December 8, 2020**Old Business****New Business**

- A) **PB 20-19 Bissell Professional Group:** Request for an amendment to the Currituck County Unified Development Ordinance, Chapter 2: Administration, Section 2.4.8.D., Minor Subdivision, Chapter 6: Subdivision and Infrastructure Standards, Section 6.2.1., Street Standards, and Section 6.2.3. Utility Standards to simplify the approval process, design standards, and defer infrastructure installation for non-residential subdivisions containing four or fewer lots.
- B) **PB 20-23 Miller Homes and Builders, LLC:** Requests a conventional zoning map amendment of 1.05 acres from C-GB (Conditional - General Business) to GB (General Business), 155 Survey Road in Moyock, Moyock Township.
- C) **PB 20-25 Stormwater BMP:** This Text Amendment will revise Chapter 7 Section 3.4.B.2 to require new major subdivision stormwater infrastructure be designed for a twelve-inch rain event over a twenty-four-hour period.

Announcements**Adjournment**



**CURRITUCK COUNTY
NORTH CAROLINA**

December 8, 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 five board members present. Staff members present were Donna Voliva, Assistant Planning Director; Jennie Turner, Planner II; Jason Litteral, Planner II; and Cheri Elliott, Clerk to the Planning Board. The board members were briefed concerning the agenda items. 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	Absent	
Juanita S Krause	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Donna Voliva	Assistant Planning Director	Present	
Jennie Turner	Planner II	Present	
Jason Litteral	Planner II	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 five board members present.

Communication: PB Meeting Minutes - December 8, 2020 (Approval of Minutes for December 8, 2020)

D. Approval of Agenda

Chairman Ballance asked if there were any changes needed to the agenda tonight. Mr. Bass motioned to approve as presented. Mr. Doll seconded the motion and the motion carried unanimously.

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

APPROVAL OF MINUTES FOR NOVEMBER 10, 2020

Chairman Ballance asked if there were any changes needed to the minutes for November 10, 2020. Mr. Bass noted a change for voting results of PB 18-23 Fost Development, Amended. The voting box should show nay votes for Mr. Bass and Mr. Doll. Ms. Krause voted aye. Mr. Doll motioned to approve the minutes with this change and Ms. Krause seconded the motion. The motion carried unanimously.

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

E. PB Minutes - November 10, 2020

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

A. PB 20-21 Nigel & Sarah Culpepper Rezoning:

Jennie Turner, Planner II, presented the staff report. She presented PowerPoint slides showing the aerial north view, the aerial south view along with the Official Zoning Map and the Land Use Plan Classification. Ms. Turner also gave reference to the other surrounding properties zoning and gave the background information for the subject property. She directed the board to page 23 of the agenda packet for an email sent from the Weeping Radish in response to the community meeting letter (page 24 of agenda packet) they received from Nigel and Sarah Culpepper. The Weeping Radish did not object to their requested rezoning to build a residential home next to their property, but wanted to give awareness of the sights, smells, and noise they will have to endure by living next to their brewery, restaurant and butchery. The Weeping Radish was also concerned that any future expansion they request may be blocked due to having residential neighbors next to them. Ms. Turner said the Culpeppers have agreed that the Weeping Radish will not be a problem for them now or in the future. Ms. Turner reviewed a slide showing a substantial buffer between the business and the future residence location. The review standards were given along with the consistency and reasonableness statement saying staff is recommending approval.

Chairman Ballance asked if the property owners would be able to have both a business and a residence once it is rezoned to General Business and Ms. Turner said yes.

Board members had discussion on the future location of the house and the required aesthetics of the General Business zoning verses the Light Industrial zoning.

Blake Culpepper who lives at 2280 Sandpiper Road in Carova came before the board. He said he is related to Nigel Culpepper and will also be their contractor for the new house.

Nigel and Sarah Culpepper, the applicants, who currently live at 510 West First Street in Kill Devil Hills came before the board. They both stated they were aware of the noise from the business located beside their property and they are okay with it.

Chairman Ballance closed the public hearing and asked for a motion.

Mr. Bass moved to **approve PB 20-21** because the request is consistent with Land Use Plan Policies including:

- Policy CD4
- Policy ML4
- Policy TR6

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

- The request will result in future non-residential uses that meet higher quality design standards along Caratoke Highway, the county's most important Major Arterial Street.
- The request will reduce the potential for non-compatible, highway-oriented industrial uses.

Vice Chairman Owens seconded the motion and the motion carried unanimously 5-0.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 1/4/2021 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	Garry Owens, Vice Chairman	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

B. PB 20-22 Pinnacle Storage - Conditional Rezoning:

Jason Litteral, Planner II, presented the staff report. He gave background on the previous 84 Lumber rezoning and said the property was zoned for industrial use since 1970. He presented a PowerPoint presentation showing Aerial Zoning, Land Use Plan Classification, and referenced the elevations in the agenda packet. He said the site is appropriate for the proposed use because it is surrounded by industrial uses and industrially zoned properties. The applicant is going to phase the project with the front buildings being constructed first and the buildings in the rear being constructed according to demand. Mr. Litteral said the Technical Review Committee is

recommending approval with the following conditions:

1. 20% windows on highway frontage side of building(s)
2. Finished front façade (brick, stucco, or similar finish)
3. 140% of required streetscaping, allowed to be clustered to provide visibility from 168.
4. A Major Site Plan application shall be submitted to ensure full compliance with the UDO and the conditions of approval.

Mr. Bissell came before the board to represent the applicant. He said the building will sit 150 feet back from the road and they will be wrapping the brick around the sides of the building. Mr. Bissell said they held a community meeting and two of the main concerns from the attendees were drainage and landscaping concerns.

Ms. Krause asked questions concerning drainage and referenced NCDOT comments from the Technical Review Committee meeting.

The Applicant, Robert High, came before the board. He said all the doors of the self-storage building will be facing internally and they will not be visible from the road.

Chairman Ballance closed the public hearing and asked for a motion.

Vice Chairman Owens moved to **approve PB 20-22**, with agreed upon conditions, because the request is consistent with Land Use Plan policies:

- ID1
- ID2
- ID5
- CA3
- ED1

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

- It provides a needed service for the growing residential development in Moyock

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

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 1/4/2021 6:00 PM
MOVER:	Garry Owens, Vice Chairman	
SECONDER:	David Doll, Board Member	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

C. PB 20-19 Bissell Professional Group:

Donna Voliva, Assistant Planning Director, presented the staff report. Ms. Voliva said last year at the Board of Commissioners' retreat, staff was given instruction to address the access points of subdivisions on major arterial roads. This change became necessary due to the increase in minor subdivisions and the potential safety issue from subdivisions creating lots and installing driveways along existing state roads. The

amendment also required all lots to access an internal subdivision street, unless exempt. The applicant's request states the 2019 text amendment prohibits the platting of additional lots on existing state roads and has the effect of slowing commercial site development particularly in the Moyock commercial corridor by making it difficult to divide existing larger commercial tracts along Caratoke Highway for the purpose of commercial development. Ms. Voliva read a summary of the text amendment on page 48 and 49 of the agenda packet. She said we must be careful and cautious about access roads and who will maintain them and she defined the differences between right of ways and easements. She listed other staff's concerns with the requested changes and said the issues may be able to be address with additional language added to the Unified Development Ordinance (UDO), but more time is needed to address the issues.

The applicant, Mr. Bissell, came before the board and gave background on why the text amendment is necessary. He said his client is trying to development a 5 ¼ acre of land in Moyock along Caratoke Highway and ran into problems due to the previous change to the UDO. Mr. Bissell said doing infrastructure prior is very expensive. He went over five sketch plan slides of the commercial development and explained the different problems.

Chairman Ballance asked Mr. Bissell if he would have a problem with tabling his request and Mr. Bissell said no.

Ms. Voliva came back before the board. She said although Mr. Bissell's proposed text amendment works with this scenario, a deeper property may cause problems, tabling would be staff's preference so we can work through these problems and issues.

The Developer, Sanford Cohen of Virginia Beach, came before the board. He said he is optimistic that we can work through this and get the text amendment done; he thanked the board.

Chairman Ballance asked for a motion.

Mr. Bass motioned to **table PB 20-19** so the applicant can address the staff comments, UDO inconsistencies, and Land Us Plan policies.

Ms. Krause seconded the motion and the motion to table was unanimous 5-0.

RESULT:	TABLED [UNANIMOUS]	Next: 1/12/2021 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	Juanita S Krause, Board Member	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

ANNOUNCEMENTS

Chairman Ballance wished everyone a Merry Christmas.

ADJOURNMENT

Mr. Bass motioned to adjourn the meeting. Vice Chairman Owens seconded the motion and the meeting adjourned at 7:25 PM.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 2986

Agenda Item Title: PB 20-19 Bissell Professional Group:

Submitted By: Donna Voliva – Planning & Community Development

Item Type: Legislative

Presenter of Item: Donna Voliva

Board Action: Action

Brief Description of Agenda Item:

Request for an amendment to the Currituck County Unified Development Ordinance, Chapter 2: Administration, Section 2.4.8.D., Minor Subdivision, Chapter 6: Subdivision and Infrastructure Standards, Section 6.2.1., Street Standards, and Section 6.2.3. Utility Standards to simplify the approval process, design standards, and defer infrastructure installation for non-residential subdivisions containing four or fewer lots.

Planning Board Recommendation:

Staff Recommendation: Approval with Conditions

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 252-232-3026

To: Planning Board
 From: Planning Staff
 Date: December 23, 2020
 Subject: PB 20-19 Bissell Professional Group

Mark Bissell, Bissell Professional Group, submitted a text amendment to the Unified Development Ordinance (UDO) to establish a process and review standards for non-residential minor subdivisions in the General Business (GB) zoning district. The request would also modify the infrastructure standards and installation requirements for this type of development. The proposed text amendment allows the developer to create up to three lots as a non-residential minor subdivision for commercial uses from the parent parcel that existed on the effective date of this amendment. If approved, the developer could create lots under the provisions of the amendment and delay infrastructure installation to a later time and not completed as part of the subdivision. Instead, the development would be completed more similar to individual site development plans. The delay in infrastructure installation could include water mains and service, sewer, road or access improvements including deceleration lanes, landscaping, buffers, and stormwater.

Background

At its January 2019 retreat, the Board of Commissioners directed staff to address the increasing use of minor subdivisions and the potential safety issue from subdivisions creating lots and installing driveways along existing state roads. In 2019, minor subdivisions were divisions of land into 5 lots or less without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). The adopted language (September 3, 2019) reduced the number of lots created as a minor subdivision (maximum of three lots) and limited driveway cuts along existing NCDOT streets preserving the traffic function of these existing roads. The amendment also required all lots to access an internal subdivision street, unless exempt.

The applicant's request states the 2019 text amendment prohibits the platting of additional lots on existing state roads and has the effect of slowing commercial site development particularly in the Moyock commercial corridor by making it difficult to divide existing larger commercial tracts along Caratoke Highway for the purpose of commercial development.

Request Summary

1. Non-residential minor subdivision of no more than three lots zoned GB with frontage on an existing NCDOT public street.

Attachment: 1-REV PB 20-19 BPG - NRS TA (PB 20-19 Bissell Professional Group)

2. Parent parcel date to be changed from April 2, 1989 to the effective date of the amendment.
3. Driveway (shared or individual) construction in easements instead of road construction in a right of way.
4. Individual lot stormwater design (site plan design standards instead of subdivision design standards).
5. Individual water and sewer (public/private/individual) to be provided prior to initiation of the use instead of installed before the subdivision is recorded and/or building permit application for water and sewer.
6. General Development Plan.

Staff Comments Regarding the Proposed Request

Establishing a non-residential minor subdivision process for General Business (GB) zoned property could streamline the subdivision review process for commercial projects. Allowing the parent parcel to be reestablished from April 2, 1989 to the adoption date of the text amendment for non-residential minor subdivisions could also increase flexibility in the process. This would reduce the review time and eliminate the subdivision requirements associated with major subdivisions for properties that were previously divided and no longer qualify for minor subdivisions. Those two changes would reduce the difficulties identified in the application.

During discussions at the December Planning Board meeting the number of lots requested in the application was identified as a conflict with the 2019 approved text amendment. The applicant amended his request and reduced the number of allowable lots that could be divided as a minor subdivision from four to three to be more consistent with the 2019 text amendment.

Non-residential development can have different water and wastewater demands that are not always known at the subdivision review process. The applicant is proposing development fees for water and sewer be paid prior to initiation of the use on each subdivision lot. The NC General Statutes identifies the timing in which development fees for public water and sewer must be paid. To be consistent with state law, the water and sewer development fees shall be paid at the time of building permit authorizing construction of the use.

The maintenance of a shared access can become an issue when additional lots access the common infrastructure without agreements in place that outline the maintenance responsibilities. After the December Planning Board meeting, the applicant modified the language to require an agreement be recorded specifying responsibility for the maintenance of common infrastructure prior to initiation of the use on the first subdivision lot. Staff recommends this agreement be recorded at the time of building permit authorizing construction of the use. In addition, staff recommends the drive aisle access, utilities, and drainage improvements be extended to the abutting property (including easements) to reduce the construction impacts to the established lot, and accommodate an efficient access point to the abutting property possibly during construction.

The proposed text amendment, if adopted, requires a general development plan to identify existing water and sewer lines, stormwater infrastructure, approximate plan and location for water and wastewater, conceptual drainage plan, preliminary location for building pads and parking areas, and a preliminary plan for fire protection. The amendment will generate a development that is individually designed and managed instead of a planned subdivision that is designed, installed, and maintained as a comprehensive project.

The subdivision standards of the UDO primarily address right of way or street access instead of the easement. New subdivision streets are used for setbacks, defining lot frontage, site landscaping, sidewalks, and street trees. The applicant is proposing all lots that are part of the non-residential minor subdivision front an existing NCDOT public street. This frontage requirement will establish the NCDOT right of way as the basis for meeting the UDO standards listed above.

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 proposed text amendment with the following modifications:

- Where the proposed language states: “prior to the initiation of the use on the first subdivision lot”, and “prior to initiation of the use on each subdivision lot”, staff recommends the language be replaced with: “at the time of issuance of the building permit authorizing construction to begin”.
- Utilities and interconnecting drive aisles providing a cross access to abutting properties shall be extended to the property line. All construction, utility, drainage, and access easements shall be provided to abutting property lines at the time of issuance of the building permit authorizing construction to begin.

With the staff recommended modifications, the proposed text amendment is consistent with the Unified Development Ordinance and the County Code of Ordinances. Although there is no direct correlation to goals, objectives, and policies in the 2006 Land Use Plan, the request (with staff recommended modifications) would be consistent with:

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.

And, the request will result in a logical and orderly development pattern since new development requires a general plan of development addressing the infrastructure improvements and maintenance responsibilities for the improvements with this proposed text amendment.



**PB 20-19 BISSELL PROFESSIONAL
GROUP
TEXT AMENDMENT
PLANNING BOARD
JANUARY 12, 2021**

PB 20-19 Bissell Professional Group requests an amendment to the Unified Development Ordinance, Chapter 2: Administration and Chapter 6: Subdivision & Infrastructure Standards to simplify the approval process, design standards, and defer infrastructure installation for non-residential development containing four or fewer lots.

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 2 is amended by deleting the following bold and underlined strikethrough language and adding the bold and underlined language in Section 2.4.8.

D. Minor Subdivision

(1) Procedure

(a) Pre-Application Conference

Not applicable.

(b) Community Meeting

Not Applicable.

(c) Application Submittal and Acceptance

(i) Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the standards in Section 2.4.8.E.5.b, Final Plat Review Standards.

(ii) Applications for a family subdivision shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to family members, and that conveyance of a lot in a family subdivision to a non-family member is a violation of this Ordinance.

(d) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall decide an application for a minor subdivision in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.D.2, Minor Subdivision Review Standards.

(e) Public Hearing Scheduling and Public Notification

Not applicable.

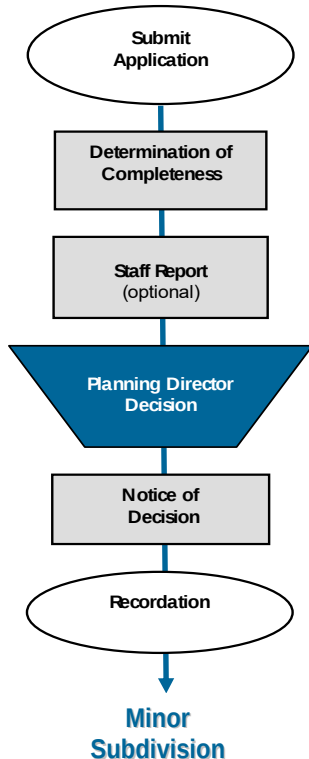
- (f) **Public Hearing Procedures**
Not applicable.
- (g) **Advisory Body Review and Recommendation**
Not applicable.
- (h) **Decision-Making Body Review and Decision**
Not applicable.

(2) **Minor Subdivision Review Standards**

(a) **General Standards**

A minor subdivision shall be approved on a finding that:

- (i) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;
- (ii) It complies with the dimensional standards of Chapter 3;
- (iii) It will result in no more than three lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions}, or as allowed in Section 2.4.8.D.2.C Additional Standards for Non-residential Minor Subdivisions};
- (iv) It does not front an existing NCDOT-maintained public street (except for Family Subdivisions} and Non-residential Minor Subdivisions});
- (v) The parent parcel and new parcel(s) shall front a private access street (except as allowed in Section 2.4.8.D.2.C., Additional Standards for Non-residential Minor Subdivisions}). The existing driveway to the parent parcel shall be removed if the driveway is not converted into the private access street to serve the resultant parcels;
- (vi) There is no public right-of-way dedication;
- (vii) It does not create a private access street serving more than two lots unless it is a family subdivision;
- (viii) Any private access street created shall connect to an existing NCDOT-maintained public street and shall comply with Section 6.2.1.B.1 Private Access Street Standards; and,
- (ix) It does not require significant infrastructure improvements. For the purpose of this section significant infrastructure includes, but is not limited to: a



road installed to NCDOT standards, fire hydrant, and/or a fire pond.

(b) Additional Standards for Family Subdivisions

Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:

- (i) Lots shall be conveyed solely to family members within two degrees of kinship (e.g., child, grandchild). A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.
- (ii) No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal.
- (iii) Ingress and egress to a lot shall not be from a major arterial street.
- (iv) Private access streets created shall connect to an NCDOT-maintained public street and shall not serve more than five lots.
- (v) Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

(c) Additional Standards for Non-Residential Minor Subdivisions

Non-residential minor subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above. In order to assure orderly development, non-residential minor subdivisions shall also comply with the following:

- (i) Lots shall be created exclusively for commercial use and on properties that are located in a GB zoning district.
- (ii) No more than three lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in areas it existed on (effective date of amendment)).
- (iii) Lots shall front on an existing NCDOT maintained public street. Ingress and egress points shall be designated on the plat and shall comply with Section 6.2.1.D.5.B. Minimum Separations.
- (iv) A general plan of development shall be provided, showing the following:

- (A) Locations of existing water and sewer lines and stormwater facilities in the vicinity of the property.
- (B) Approximate plan and location for water service to each of the proposed lots on the property.
- (C) Either a site evaluation report from Albemarle Regional Health Services, or an approximate plan and location for sewer service to each of the proposed lots on the property.
- (D) A conceptual drainage plan for the property.
- (E) Preliminary locations for building pads and parking areas for each of the lots.
- (F) A preliminary plan for fire protection.
- (G) An access management plan, including the locations of proposed internal easements that provide for access and circulation between lots and easements for the interconnection of utilities and drainage facilities. Parking lot cross access easements shall be designated at the individual site plan review stage in accordance with Section 5.1.4.
- (H) Prior to initiation of the use on the first subdivision lot, an agreement shall be recorded specifying responsibility for the maintenance of private common infrastructure.
- (I) Prior to initiation of the use on each subdivision lot, any required water and sewer developmental fees shall be paid for the lot, and any required authorization shall be obtained to connect to county water and sewer utilities.
- (v) A note shall appear on the final plat advising the public that each lot is responsible for providing access, water, sewer, and fire protection as necessary to comply with the provisions of this ordinance.

(3) Effect of Development Approval

- (a) Approval of a minor subdivision constitutes approval of a final plat for subdivision.
- (b) Lots shall not be sold or conveyed until after a final plat has been recorded.

(4) Amendment of Development Approval

Applicable (see Section 2.3.14).

(5) Expiration of Development Approval

A minor subdivision plat shall be recorded with the Currituck County Register of Deeds within 90 days of its approval, or it shall be null and void.

Item 2: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the bold and underlined language in Section 6.1.3.

6.1.3. Subdivision Standards**B. Local, State, or Federal Agency Permits Required**

- (1)** Except for Non-residential minor subdivisions, A applicants proposing a subdivision that will connect to existing public water or sewer systems shall obtain all necessary county, State, and Federal agency permits prior to approval of the subdivision. Requirements for non-residential minor subdivisions are specified in Section 2.4.8.D.2.C.

Item 3: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the bold and underlined language in Section 6.2.1.:

6.2. REQUIRED INFRASTRUCTURE

Unless exempted, all development in the county shall comply with the standards in this section.

6.2.1. Street Standards

- (1)** **Streets Serving Non-Residential Minor Subdivisions**
Streets serving non-residential minor subdivisions are exempt from the prohibition in C.1. above provided they comply with Section 6.2.1.D.5.B. Minimum Separation. Cross-access easements shall be provided as necessary to provide access to each non-residential subdivision lot.

Item 4: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the bold and underlined language in Section 6.2.3.:

6.2.3. Utility Standards**D. Water Supply Standards**

- (1)** **Connection to Public Water Supply System**

- (a) The developer shall install the water mains and accessories necessary so that all lots and uses to be developed are able to connect to the county water supply system. Non-residential minor subdivisions shall be permitted to extend water service to the lots after the subdivision has been recorded but prior to the initiation of the use on each lot, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning and Community development If a highway bore is required to bring water service to the subdivision, only one bore shall be permitted per minor subdivision.

E. Sewage Disposal Standards

(1) Sewage System Required

- (a) Every principal use and every buildable lot in a subdivision shall be served by a wastewater system that complies with all Albemarle Regional Health Services and State standards. Non-residential minor subdivision shall be permitted to extend sewer service to the lots after the subdivision has been recorded but prior to the initiation of the use on each lot, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning and Community Development.

Item 5: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the bold and underlined language in Section 6.2.4.:

6.2.4. Fire Protection Standards

A. General Provisions

(1) Fire Hydrants Required

All development serviced by the county water supply system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development. Fire hydrants shall be located in a manner that ensures hydrants are spaced a maximum of 1,000 linear feet apart and every portion of lot frontage is within 500 linear feet of a hydrant. The Fire Code Official may authorize or require a deviation from this standard if, in the opinion of the Fire Code Official, another arrangement satisfactorily complies with the intent or standards in this Ordinance. Non-residential minor subdivisions shall be permitted to install fire hydrants in connection with the development of each building site, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning and Community

Development. If a highway bore is required to bring fire service to the subdivision, only one bore shall be permitted per subdivision.

Item 6: Staff suggested Statement of Consistency and Reasonableness:

With the staff recommended modifications, the proposed text amendment is consistent with the Unified Development Ordinance and the County Code of Ordinances. Although there is no direct correlation to goals, objectives, and policies in the 2006 Land Use Plan, the request (with staff recommended modifications) would be consistent with:

- 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.

And, the request will result in a logical and orderly development pattern since new development requires a general plan of development addressing the infrastructure improvements and maintenance responsibilities for the improvements with the proposed text amendment.

Item 7: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 8: This ordinance amendment shall be in effect from and after the _____ day of _____, 2021.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

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

PLANNING BOARD DATE: _____
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: 1-REV PB 20-19 BPG - NRS TA (PB 20-19 Bissell Professional Group)



Text Amendment Application

OFFICIAL USE ONLY:
Case Number: PB 20-19Date Filed: 10/22/20Gate Keeper: C. [Signature]Amount Paid: \$300.00
Contact Information
APPLICANT:

Name: Bissell Professional Group
Address: P.O. Box 1068 - 3512 N. Croatan Hwy.
Kitty Hawk, NC 27949
Telephone: (252) 261-3266
E-Mail Address: mark@bissellprofessionalgroup.com

Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.
 2.4.8, 6.2.1, 6.2.3,

Amend Chapter(s) 2 & 6 Section(s) and 6.2.4 as follows:

Please see attachment

*Request may be attached on separate paper if needed.

[Signature]
 Petitioner

10-21-20
 Date

Proposed Text Amendment for Non-Residential Minor Subdivisions

Statement of Problem: A recent text amendment that prohibits the platting of additional lots on existing state highways has had the effect of slowing commercial site development, particularly in the Moyock commercial corridor, by making it difficult to divide existing larger commercial tracts along Caratoke highway for the purpose of commercial development. While Currituck County has intended to promote new commercial development along the NC 168 corridor, the current ordinance makes it more difficult to subdivide and convey commercial property. For example, dividing a commercial tract into two lots requires that first a roadway be platted and improved. Dividing a tract into 3 or more lots requires that, prior to subdivision approval, a new roadway be paved to NCDOT standards, after the development goes thru the major subdivision approval process, prior to the first lot being conveyed to a commercial developer. This proposed amendment is intended to make it easier for commercial property to be sold or purchased for development.

Proposed Solution: The intent of the proposed text amendment is to simplify both the approval process and the design standards for accomplishing a minor subdivision for non-residential development.

Suggested amendments to the UDO are attached.

Chapter 2: Administration

SECTION 2.4: SPECIFIC REVIEW PROCEDURES

Subsection 2.4.8: Subdivision

- (I) Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the standards in Section 2.4.8.E.5.b, Final Plat Review Standards.
- (II) Applications for a family subdivision shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to family members, and that conveyance of a lot in a family subdivision to a non-family member is a violation of this Ordinance.

(d) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall decide an application for a minor subdivision in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.D.2, Minor Subdivision Review Standards.

(e) Public Hearing Scheduling and Public Notification

Not applicable.

(f) Public Hearing Procedures

Not applicable.

(g) Advisory Body Review and Recommendation

Not applicable.

(h) Decision-Making Body Review and Decision

Not applicable.

(2) Minor Subdivision Review Standards**(a) General Standards**

A minor subdivision shall be approved on a finding that:

- (I) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B, and all other applicable standards in this Ordinance;



Chapter 2: Administration

SECTION 2.4: SPECIFIC REVIEW PROCEDURES

Subsection 2.4.8: Subdivision

- (ii) It complies with the dimensional standards of Chapter 3;
 - (iii) It will result in no more than three lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions, or as allowed in Section 2.4.8.D.(2)(c) Non-residential Minor Subdivisions);
 - (iv) It does not front an existing NCDOT-maintained public street (except for Family Subdivisions and Non-residential Minor Subdivisions);
 - (v) The parent parcel and new parcel(s) shall front a private access street. The existing driveway to the parent parcel shall be removed if that driveway is not converted into the private access street to service the resultant parcels.
 - (vi) There is no public right-of-way dedication;
 - (vii) It does not create a private access street serving more than two lots unless it is a family subdivision;
 - (viii) Any private access street created shall connect to an existing NCDOT-maintained public street and shall comply with Section 6.2.1.B.1 Private Access Street Standards; and,
 - (ix) It does not require significant infrastructure improvements. For the purpose of this section significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.
- (b) **Additional Standards for Family Subdivisions**
- Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:
- (i) Lots shall be conveyed solely to family members within two degrees of kinship (e.g., child,

Chapter 2: Administration

SECTION 2.4: SPECIFIC REVIEW PROCEDURES

Subsection 2.4.8: Subdivision

grandchild). A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.

- (ii) No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal.
- (iii) Ingress and egress to a lot shall not be from a major arterial street.
- (iv) Private access streets created shall connect to an NCDOT-maintained public street and shall not serve more than five lots.
- (v) Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

(c) Additional Standards for Non-Residential Minor Subdivisions

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Non-residential minor subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above. In order to assure orderly development, non-residential minor subdivisions shall also comply with the following.

- i. Lots shall be created exclusively for commercial use and on properties that are located in a GB zoning district.
- ii. No more than four lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed on _____, 2020 (the date of adoption of this amendment).
- iii. Ingress and egress points shall be designated on the plat and shall comply with Section 6.2.1.D.(5)(b) Minimum Separations.

Chapter 2: Administration

SECTION 2.4: SPECIFIC REVIEW PROCEDURES

Subsection 2.4.8: Subdivision

- iv. A general plan of development shall be provided, showing the following:
- a. Locations of existing water and sewer lines and stormwater facilities in the vicinity of the property;
 - b. Approximate plan and location for water service to each of the proposed lots on the property;
 - c. Either a site evaluation report from Albemarle Regional Health Services, or an approximate plan and location for sewer service to each of the proposed lots on the property;
 - d. A conceptual drainage plan for the property;
 - e. Preliminary locations for the building pads and parking areas for each of the lots;
 - f. A preliminary plan for fire protection.

A note shall appear on the plat advising the public that each lot is responsible for providing access, water, sewer and fire protection as necessary to comply with the provisions of this ordinance.

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(3) Effect of Development Approval

- (a) Approval of a minor subdivision constitutes approval of a final plat for subdivision.
- (b) Lots shall not be sold or conveyed until after a final plat has been recorded.

(4) Amendment of Development Approval

Applicable (see Section 2.3.14).

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.1: SUBDIVISION STANDARDS

Subsection 6.1.4: Homeowners or Property Owners Association Requirements

for all purchasers of land within the subdivision and their successors in title.

- (2) All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

F. Transfer of Maintenance Responsibility

- (1) The subdivider shall be responsible for maintenance of all common areas, common features, and private infrastructure until maintenance responsibility is transferred to the association in accordance with the standards in this subsection.
- (2) The subdivider shall cede maintenance responsibility for common areas, common features, regulatory permits (e.g., stormwater permits), and private infrastructure to the association upon sale of 75 percent of the lots in a subdivision.
- (3) Maintenance responsibility is not transferred from the subdivider to the association until all of the following occur:
 - (a) At least 75 percent of the total number of lots in the subdivision are sold; and
 - (b) The subdivider commissions a report prepared by a registered engineer indicating that all common areas, common features, and infrastructure elements comply with the minimum standards in this Ordinance and the County Code of Ordinances. The report shall also include verification of the reserve fund balance in accordance with the standards in this section; and
 - (c) County staff reviews and approves the report prepared by a registered engineer; and
 - (d) A reserve fund dedicated to the continued maintenance and upkeep of common areas, common features, and private infrastructure is established with a banking institution acceptable to the county in the name of the association that contains a minimum balance that includes the following:

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.1.4: Homeowners or Property Owners Association Requirements

- (i) Ten percent of the road construction costs for streets not maintained by NCDOT at the time of transfer (gravel base and asphalt only);
- (ii) Except for sidewalks and street trees, ten percent of the construction costs of common features and private infrastructure;
- (iii) Liability insurance and taxes for two years; and,
- (iv) Facilities, stormwater, and landscaping maintenance costs for two years.

In the event the association has not collected sufficient assessment funds from the lot owners in the subdivision to meet the minimum balance requirements of the reserve fund, the subdivider shall be responsible for the difference needed to meet the minimum balance requirements.

- (4) Applications to turn over maintenance responsibility to the association for common areas, common features, or private infrastructure prior to conveyance of 75 percent of the lots in the subdivision may be reviewed by the Board of Commissioners. The Board of Commissioners, at the request of the subdivider, shall waive the requirement upon a finding that the association has sufficient financial capacity to assume maintenance responsibility for common areas, common facilities, and private infrastructure.

6. Failure to Maintain is a Violation

Failure to maintain common areas, common features, or infrastructure is a violation of this Ordinance and is subject to the penalties and remedies in Chapter 9: Enforcement.

6.2. REQUIRED INFRASTRUCTURE

Unless exempted, all development in the county shall comply with the standards in this section.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

6.2.1. Street Standards**A. Applicability**

Unless exempted in accordance with Section 6.2.1.B, Exemptions, the street standards shall apply to all streets serving three or more lots.

B. Exemptions**(1) Private Access Streets**

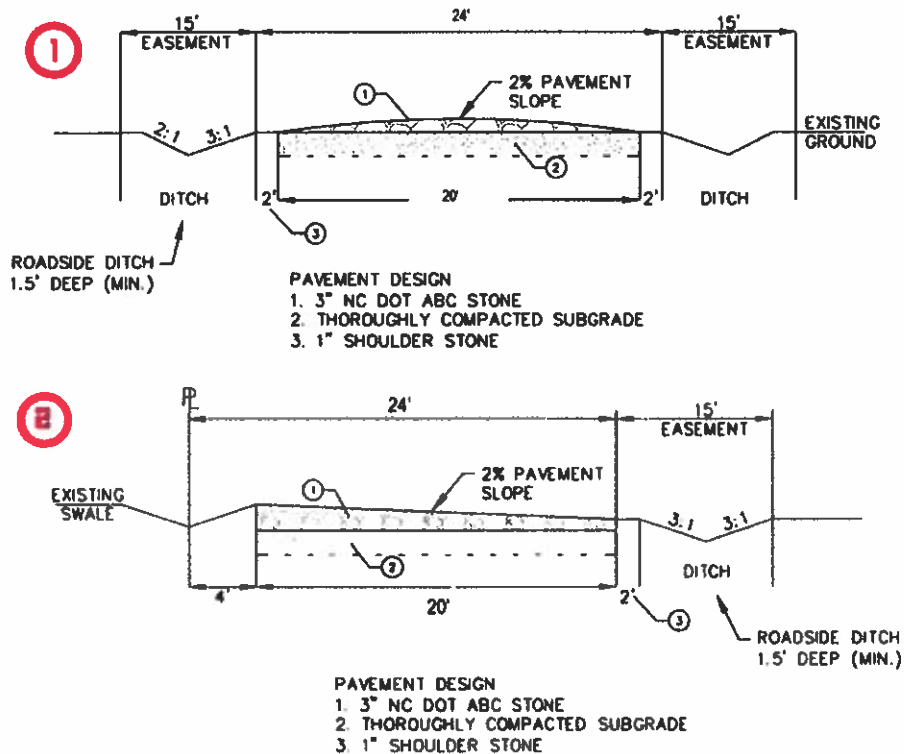
- (a)** A street within a family subdivision or serving a subdivision of two or fewer lots are exempted from the standards in this section, provided they are configured in accordance with Figure 6.2.1.B, Private Access Street Standards, and Section 6.2.1.C.4, Connection with State Streets.
- (b)** One private access street is allowed per parent parcel as it existed on April 2, 1989.
- (c)** All subdivision plats served by private access streets shall bear the following notation:
 "Private access streets do not meet the NCDOT's minimum standards for the assumption of maintenance. Currituck County does not construct or maintain streets. Further subdivision of any lot shown on this plat may be prohibited by the Currituck County UDO unless the private access street is improved consistent with minimum NCDOT standards."

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

Figure 6.2.1.B: Private Access Street Standards

**c. Street Access**

- (1) All lots must access the proposed internal subdivision street(s). Lots along existing NCDOT streets are prohibited unless exempted by this ordinance.
- (2) **Streets Serving Planned Unit and Planned Developments**
Streets within planned unit and planned developments shall comply with NCDOT street construction standards but shall be exempt from NCDOT street design standards in regards to allowable road curvature, right-of-way and pavement widths, and drainage requirements.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

(3) Streets within a Conservation Subdivision

Streets within a conservation subdivision shall comply with NCDOT street construction standards but shall be exempt from NCDOT street design standards in regards to allowable road curvature, right-of-way and pavement widths, and drainage requirements.

(4) Streets in the SFR District

Streets within the SFR district are exempted from the standards in this section, provided they comply with the standards in Section 6.2.1.I, Streets in the SFR District.

(5) Streets Serving Non-Residential Minor Subdivisions

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Streets serving non-residential minor subdivisions are exempt from the prohibition in C.1. above provided they comply with Section 6.2.1.D.(5)(b) Minimum Separation. Cross-access easements shall be provided as necessary to provide access to each non-residential subdivision lot.

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D. Street Design Standards

Streets in development subject to these standards shall comply with the following:

(1) Conformance with Existing Maps or Plans

(a) The street layout shall conform to the arrangement, width, and location indicated on any official adopted plans or maps for Currituck County. In areas where plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, natural features such as streams and tree growth, to public convenience and safety, and to the proposed land use to be served by such streets.

(b) In cases where a proposed subdivision fronts an existing street that does not comply with the minimum standards

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

of this Ordinance, the subdivider shall be responsible for upgrading the portion of the existing street abutting the subdivision, in accordance with the standards of this Ordinance.

(2) Conformance with NCDOT Standards

The current edition of *Subdivision Roads Minimum Construction Standards*, established for the particular type of street in question, by the NCDOT Division of Highways, unless this Ordinance establishes a stricter standard.

(3) Conformance with Community Form Standards

The applicable street standards in Section 5.6, Community Form Standards.

(4) Connection with State Streets

Provide direct access to an improved street that meets NCDOT design and construction standards or one that has been accepted for maintenance by NCDOT, to the maximum extent practicable.

(5) Street Intersections

(a) Design

- (i)** Streets shall intersect as nearly as possible at right angles and not intersect any other street at an angle less than 70 degrees (see Figure 6.2.1.C, Street Intersections).
- (ii)** No more than two streets shall intersect at any one point unless the NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.

(b) Minimum Separation

- (i)** New streets shall maintain minimum separation distances between intersections in accordance with Table 6.2.1.C, Minimum Intersection Separation.

TABLE 6.2.1.C: MINIMUM INTERSECTION

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

TYPE OF STREET	SEPARATION (FT ⁽¹⁾)		
	STREET DESIGN SPEED (MPH)		
	UP TO 35	36-54	55+
Local	125	125	200
Collector	125	200	200
Major Arterial	230	800	1,000

[1] Measurements shall be taken from the centerline of each intersecting street.

(ii) The Planning Director, upon advice of NCDOT, may authorize a reduction in minimum separation distance due to lot width, presence of existing streets or curb cuts, or other physical features that make compliance with these standards impractical.

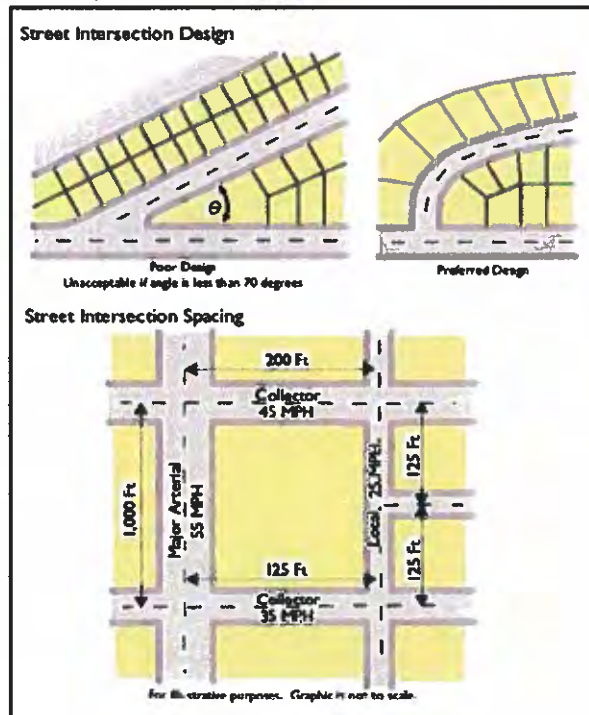
(6) Street Lengths

- (a) Streets shall be longer than 150 feet in length.
- (b) Streets longer than 2,000 feet shall contain an intersection unless the subdivider demonstrates the standards cannot be met because:
 - (i) Environmental or topographic constraints;
 - (ii) The site has an irregular shape; or,
 - (iii) The number of railroad grade or major stream crossings can be reduced;

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

Figure 6.2.1.C, Street Intersections**(7) Double Frontage**

Streets shall be arranged to avoid double frontage lots except where no other alternative is reasonably practicable or when it is necessary to avoid direct access of lots onto major arterial streets.

(8) New Street Grades

- (a)** New street grades shall conform as closely as practicable to the original topography of the land, subject to all applicable NCDOT requirements.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

- (b) New street grades shall comply with the drainage and stormwater runoff standards in Section 7.3, Stormwater Management.

(9) **Deceleration Lanes**

Developments with new streets shall:

- (a) Install a deceleration lane in accordance with NCDOT standards if the subdivision is for nonresidential development or includes 40 or more residential lots and includes access onto major arterial streets (US 158, NC 168, NC 34, NC 136, NC 615, and NC 12).
- (b) Install left turn and deceleration lanes in accordance with NCDOT standards if the subdivision includes 40 or more residential lots and includes access onto Tulls Creek Road (SR 1222) Poplar Branch Road (SR 1131) and South Mills Road (SR 1227).
- (c) Provide at least one deceleration lane per street front in accordance with NCDOT standards if located along a major arterial and the use is capable of generating more than 60 trips per peak hour, as estimated in the ITE *Trip Generation Manual*.

(10) **Dedication and Maintenance**

Be designated for dedication to NCDOT or for maintenance by an established homeowners or property owners association.

E. **Minimum Street Width**

All streets in a subdivision subject to these standards shall comply with the minimum street width standards in Table 6.2.1.D, Minimum Street Width Standards.

TABLE 6.2.1.D: MINIMUM STREET WIDTH STANDARDS							
Subdivision Type	Minimum Right of Way Width (feet)	Local Street		Collector Street		NCDOT Design Standards Applicable?	NCDOT Construction Standards Applicable?
		Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)	Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)		
Family	24	20	2	N/A	N/A	No	No

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

TABLE 6.2.1.D: MINIMUM STREET WIDTH STANDARDS

Subdivision Type	Minimum Right of Way Width (feet)	Local Street Minimum Pavement Width (feet)	Local Street Minimum Shoulder Width (feet)	Collector Street Minimum Pavement Width (feet)	Collector Street Minimum Shoulder Width (feet)	NCDOT Design Standards Applicable?	NCDOT Construction Standards Applicable?
Subdivision							
Residential Subdivision	See NCDOT <i>Subdivision Roads Minimum Construction Standards Manual</i>					Yes	Yes
Nonresidential Subdivision						Yes	Yes
Conservation Subdivision	30	20 [1]	N/A	N/A	N/A	No	Yes
Planned Unit and Planned Development [2]	30	20 [1]	N/A	N/A	N/A	No	Yes

NOTES:

[1] See Section 6.2.1.G for one-way street pavement width requirements

[2] Streets in Planned Developments shall be installed in accordance with the approved master plan and the requirements of this section.

F. Cul-de-Sacs and Dead End Streets

All cul-de-sacs and dead end streets shall comply with the following standards:

- (1) A cul-de-sac shall not be less than 150 feet in length, as measured from the closest street intersection centerline.
- (2) The entrance into a cul-de-sac shall be flared by sufficient width to ensure proper turning radius for emergency vehicles entering and exiting the cul-de-sac.
- (3) Cul-de-sacs shall not be used to avoid required street connections.
- (4) All permanent dead-end streets shall terminate with one of the following:

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SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

- (a) A "hammer-head" turnaround with a width of 120 feet;
- (b) A "Y" turnaround with a minimum depth of 60 feet; or
- (c) A cul-de-sac head with a minimum diameter of 96 feet.

G. One Way Streets

- (1) One-way streets shall only be developed in situations where the applicant can demonstrate public safety will not be jeopardized.
- (2) The travel way for a one-way street shall not be less than 14 feet, excluding parallel parking spaces.

H. Alleys

- (1) Alleys shall not be dead-end streets, and shall only intersect with streets.
- (2) Alleys shall not include pavement widths of less than 14 feet or more than 16 feet.
- (3) Alleys with a pavement width exceeding 14 feet shall:
 - (a) Include a curb cut, driveway apron, and sidewalk crossing at the intersection with a street and be configured to appear as a driveway; or
 - (b) Be screened by primary or accessory structures or trees located to minimize views down the alley corridor from adjacent streets.

I. Private Streets

Private streets shall be constructed in accordance with minimum NCDOT design and construction requirements.

J. Streets in the SFR District

- (1) Streets in the SFR district are exempt from NCDOT design and construction standards, but shall be graded, drained, and stabilized in accordance with the provisions of this section.
- (2) If access to the beach requires crossing a dune line, the subdivider shall obtain all required CAMA permits prior to final plat approval and if legally possible, establish a graded beach access.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

- (3) The subdivider shall stabilize and maintain the rights-of-way adjoining and along the street through establishment of vegetation, or other means, to the extent reasonably possible.
- (4) Tracts or parcels which are proposed for subdivision and are within the alignment of Ocean Pearl Road shall:
 - (a) Establish a 100-foot-wide right-of-way that connects to and follows the alignment of the street(s) identified above; and
 - (b) Orient or design all streets to connect with existing or proposed streets shown on previously recorded plats in order to provide a continuous right-of-way to adjoining lots;

No subdivider shall be required to maintain more than one major access street with a 100-foot-wide right-of-way to connect with adjoining lots. Streets that are not necessary for continuous access through the subdivision may be abandoned or deleted.

- (5) When a private street is created in the SFR district, the subdivider shall establish a homeowners association in accordance with Section 6.1.4, Homeowners or Property Owners Association Requirements, to maintain such streets.
- (6) Prior to final plat approval (see Section 2.4.8) the subdivider shall demonstrate that all private streets proposed in the subdivision will be properly maintained by submitting a plan that explains who will maintain the streets, how they will be stabilized and maintained, and how maintenance of the streets will be financed.
- (7) The amount of a performance guarantee (see Section 6.3) for streets shall be determined on a case-by-case basis by the Planning Director, in consideration of all of the surrounding conditions and circumstances.
- (8) A final plat that shows lots served by streets authorized in this section shall not be recorded unless the final plat contains the following notation:

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

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

County Unified Development Ordinance unless the roads or streets shown on this plat are improved to state standards. These roads do not meet state standards for the assumption of maintenance due to inadequate right-of-way and/or construction or lack of public dedication. It is not the function of county government in the State of North Carolina to construct or maintain roads. There may be areas of standing water on the street(s) after ocean overwash or periods of heavy rains that may impede access to the individual homesites. It is the sole responsibility of the owners to provide an improved access to their properties."

- (9) A subdivider shall furnish any initial purchaser of a lot in the SFR district a disclosure statement outlining the maintenance responsibilities for the street(s) as provided in Section 136-102.6(f) of the North Carolina General Statutes. The disclosure statement shall fully and completely disclose the status (whether public or private) of the street(s) upon which the house or lot fronts. If the street is designated by the subdivider as a private street, the subdivider shall include in the disclosure statement an explanation of the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility for construction and maintenance of such street(s) shall rest, and shall further disclose that the street(s) will not be constructed to minimum standards, sufficient to allow their inclusion on the State highway system for maintenance.
- (10) In order to minimize the flooding of streets and to assure proper drainage within the SFR district, all major and minor subdivision plats, shall have a drainage plan approved by the county prior to final plat approval.
- (11) All proposed street rights-of-way used to cross the primary frontal sand dunes within the SFR district shall be at least 30-feet-wide.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

K. Other Street Standards**(1) Curb and Gutter**

- (a)** Curb and gutter is not required, but if installed, shall be in accordance with NCDOT standards.
- (b)** As provided in Section 136-44.14 of the North Carolina General Statutes, whenever curb and gutter construction is provided on public streets, wheelchair ramps and depressed curbs for the disabled shall be provided in accordance with NCDOT standards.

(2) Vehicular Gates

- (a)** For the purposes of preserving access to public and private lands by citizens, utility companies, and emergency service providers, vehicular gates, barriers, or other devices intended to obstruct vehicular traffic along a public street right-of-way are prohibited.
- (b)** Vehicular gates are allowed on private streets platted after January 1, 2013, provided the gate is equipped with county-approved devices that allow emergency services to gain access to the street and it meets all requirements set forth in the currently adopted version of the North Carolina Fire Code.

(3) Traffic Control Devices

- (a)** If NCDOT determines traffic control signs and signals are necessary, they shall be erected and maintained by the subdivider at each street intersection within the subdivision.
- (b)** Traffic control signs shall also be installed where subdivision streets intersect with an improved or state maintained street.
- (c)** Traffic control signs shall comply with county and NCDOT standards related to size, shape, color, location, and information contained thereon.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

- (d) At least two or more traffic control signs shall be placed at each four-way street intersection and at least one traffic control sign shall be placed at each "T" intersection.
 - (e) Traffic control signs shall be installed free of visual obstruction.
- (4) **Bridges**
Bridges shall be constructed in accordance with the standards and specifications of the NCDOT, except that bridges on roads not intended for public dedication may be approved by the county even if they do not comply with NCDOT standards, if designed by a North Carolina licensed architect or engineer and certified to be safe for travel.
- (5) **Street Names**
 - (a) Street names shall be assigned by the subdivider subject to the approval of the Planning Director. Proposed streets that are in alignment with existing streets shall bear the same street name.
 - (b) Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the county, regardless of the use of different suffixes.
 - (c) Street names shall include one of the following suffixes:
 - (i) Street or road – public streets not designated by another suffix;
 - (ii) Circle – a short street that returns to itself;
 - (iii) Court or place – a cul-de-sac or dead-end street;
 - (iv) Loop – a street that begins at the intersection with one street and circles back to end at another intersection with the same street; or
 - (v) Other common suffix used by NCDOT (e.g., way, close, boulevard, avenue, drive, lane, parkway, etc.).
 - (d) Appropriate street name signs that comply with NCDOT and county specifications shall be placed at all

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.1: Street Standards

intersections by and at the expense of the developer or subdivider.

- (e) Building numbers shall be assigned by the county, where appropriate.

L. Street Trees

Street trees shall be required to serve all development in the county in accordance with the following standards:

(1) Where Required

Except along alleys, street trees shall be required along both sides of all streets constructed after January 1, 2013.

(2) Location

Street trees shall be located within 50 feet of the centerline of the street they serve, and may be located within front and corner side setbacks when there is insufficient space within the right-of-way.

(3) Timing

Installation of required street trees on individual building lots may be delayed until after issuance of the building permit. In no instance shall a development subject to these standards be occupied before street trees are installed or a performance guarantee (see Section 6.3) for street trees has been posted with the county.

(4) Configuration

- (a) Street trees shall be canopy trees except beneath overhead utilities or other projections into the public right-of-way, where understory trees shall be used instead.

- (b) All trees planted along a NCDOT right-of-way shall conform to NCDOT guidelines.

(5) Maximum On-Center Spacing

- (a) Understory trees shall be spaced between 20 and 30 feet on center.

- (b) Canopy trees shall be spaced 50 feet on center.

- (c) Spacing may be reduced to avoid driveways or sight distance triangles.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.2: Reserved

- (d) Alternative spacing or placement (e.g., as major arterial screening, within open space set-asides, or as a development entry feature) may be considered through the Alternative Landscape Plan procedure in Section 5.2.9.

6.2.2. Reserved

6.2.3. Utility Standards

All utilities shall be installed in accordance with the following standards:

A. General Standards

- (1) All utilities (including, but not limited to: electric power, telephone, gas distribution, cable television, potable water, sewer, etc.) located outside an existing street right-of-way and intended to serve new development shall be underground.
- (2) The requirement for underground electricity, telephone, or cable television utilities shall not be applied to lateral service lines intended to serve an individual single-family dwelling that must extend over 200 feet from an overhead source.
- (3) Unless attached to a bridge, no utilities may be installed over the waters of the Currituck Sound or over areas of environmental concern, and no utility poles shall be erected within the waters of Currituck Sound or areas of environmental concern.
- (4) All utility providers installing service lines for their respective utilities in the public right-of-way are required to separate utility lines in trenches specific to that utility.
- (5) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

B. Utility Easements

- (1) Each subdivision shall provide utility easements in accordance with the following standards:

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.3: Utility 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.
- (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.

C. As-built Drawings Required

- (1) Whenever a subdivider installs or causes to be installed any utility line in any public right-of-way, the subdivider shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the county with a copy of a drawing that shows the exact location of such utility lines (prior to approval of a final plat).
- (2) As-built drawings shall be verified as accurate by the utility service provider's professional engineer. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing the development.
- (3) As-built drawings are required for all water and /or sewer treatment plants as well as after any changes made to such systems in the future.

D. Water Supply Standards

(1) Water Supply System Required

- (a) Every principal use and every buildable lot in a subdivision shall be serviced by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.3: Utility Standards

- (b) All buildable lots within a planned unit development, planned development, or multi-family development shall be connected and serviced by the county water supply system.
- (c) Except for family subdivisions, lots in the Fruitville and Moyock-Gibbs Woods Townships, and lots located in the Agriculture (AG) zoning district, all new subdivisions and nonresidential development shall be connected and serviced by the county water supply
- (d) All new subdivisions located in the AG zoning district shall be connected and serviced by the county water system if the distance between the closest existing county water main and the proposed development is within the following formula distance: 100 feet for each of the first ten units plus 20 feet for each additional unit. In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.

Example: a proposed subdivision with 30 single-family dwelling units located 1,400 feet or less from an existing water main shall connect $(10 \text{ units} \times 100) + (20 \text{ units} \times 20)$.

Where the distance to the closest existing county water main exceeds the formula above, the developer shall meet the minimum dimensional standards in Chapter 3 for lots not served by the county water supply system located in the AG zoning district.

- (e) Water lines owned by the Ocean Sands Water and Sewer District shall be considered part of the county's water supply system for the purposes of this section.
- (2) **Connection to Public Water Supply System**
- (a) The developer shall install the water mains and accessories necessary so that all lots and uses to be developed are

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.3: Utility Standards

able to connect to the county water supply system. Non-residential minor subdivisions shall be permitted to extend water service to the lots after the subdivision has been recorded but prior to the initiation of the use on each lot, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning & Community Development.

- (b) The minimum water main size shall be adequate to service the potable water and fire suppression demand of the proposed development at full build out. Fire suppression demand shall be based upon guidance from the Insurance Services Office and existing fire-fighting capacity. In no instance shall a water main serving a fire hydrant be less than eight inches in diameter.
- (c) Water mains shall be installed within street right-of-ways or dedicated utility easements.
- (d) The developer shall be responsible for modeling and sizing water mains to service the proposed development. Modeling inputs shall include the proposed development at full build-out and the anticipated development density of adjacent undeveloped tracts of land as specified in county-adopted plans.
- (e) If the county determines that oversized facilities are in the interest of future development, the county or a developer may elect to pay for that portion of water main improvement that exceeds the diameter required to service the proposed development at full build-out.
- (f) Installation of water mains and accessories shall meet the most recent version of the Standard Specifications and Details for the Currituck County Water Department and the Southern Outer Banks Water System, as appropriate.
- (g) The developer shall be required to submit detail drawings with the construction drawings associated with a proposed development, prepared and certified by a registered engineer, showing the installation of the required water mains.

Chapter 6: Subdivision and Infrastructure Standards

SECTION 6.2: REQUIRED INFRASTRUCTURE

Subsection 6.2.3: Utility Standards

- (h) The developer may apply for a Water Main Reimbursement Contract for partial repayment of the cost of the extension of a water main necessary to service a proposed development. The general provisions for partial repayment are specified in the Water Main Reimbursement Contract and an attested and executed copy of the agreement between the developer and county must be filed with the Currituck County Public Utilities Department.

(3) Connection Fees

- (a) All connection fees shall be paid for each lot or use that is required to be connected to the county water supply system at the time of issuance of the building permit authorizing construction to begin.

E. Sewage Disposal Standards

(1) Sewage System Required

- (a) Every principal use and every buildable lot in a subdivision shall be served by a wastewater system that complies with all Albemarle Regional Health Services and State standards. Non-residential minor subdivisions shall be permitted to extend sewer service to the lots after the subdivision has been recorded but prior to the initiation of the use on each lot, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning & Community Development.
- (b) All principal uses and buildable lots within a multi-family development, planned unit development, or planned development shall be connected and serviced by a centralized wastewater system. The County Engineer may approve a decentralized wastewater system upon finding that the proposed development:
 - (i) Is not located within the service area of an existing centralized wastewater system;
 - (ii) Is subject to a wastewater operation and maintenance plan prepared by a registered engineer



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3012

Agenda Item Title: PB 20-23 Miller Homes and Builders, LLC:

Submitted By: Donna Voliva – Planning & Community Development

Item Type: Legislative

Presenter of Item: Donna Voliva

Board Action: Action

Brief Description of Agenda Item:

Requests a conventional zoning map amendment of 1.05 acres from C-GB (Conditional - General Business) to GB (General Business), 155 Survey Road in Moyock, Moyock Township.

Planning Board Recommendation:

Staff Recommendation:

TRC Recommendation:



STAFF REPORT PB 20-23 MILLER HOMES AND BUILDERS, LLC REZONING PLANNING BOARD JANUARY 12, 2021

APPLICATION SUMMARY

Property Owner: Miller Homes and Building, LLC 111 Currituck Commercial Drive, Suite B Moyock, NC 27958	Applicant: Miller Homes and Building, LLC 111 Currituck Commercial Drive, Suite B Moyock, NC 27958
Case Number: PB 20-23	Application Type: Zoning Map Amendment
Parcel Identification Number: 0015-000-047B-0000	Existing Use: Single Family Dwelling and Bakery/specialty eating establishment
Land Use Plan Classification: Full Service	Parcel Size (Acres): 1.06 (survey) 1.05 (application and tax records)
Moyock SAP Classification: Full Service	
Land Use Plan Subarea: Moyock	Zoning History: A-40 (1974); AG (1989); C-GB (2018)
Current Zoning: C-GB	Proposed Zoning: GB
Request: Request for a zoning map amendment to rezone Conditional – General Business (C-GB) property to General Business (GB).	

REQUEST

Narrative

The applicant is requesting a conventional rezoning of approximately 1.05 acres from Conditional – General Business (C-GB) to General Business (GB). The subject property was rezoned as a conditional zoning application in 2018 that included a conceptual plan (site plan) of the property and conditions related to the proposed use and prohibited uses. This request will remove the zoning conditions and the conceptual plan. The 2018 application focused on an outbuilding that was intended to be converted to a bakery/light sandwich shop with the possibility to change the use if the bakery was not successful. The residential use was identified on the plan as a one-story modular dwelling and was not intended to change unless a new application was submitted to change the zoning district (including any conceptual plan/conditions). The applicant is submitting the application to remove the zoning conditions and conceptual plan approved in 2018 and develop the property with uses that are allowed in the GB zoning district.

A use comparison is included at the end of this report.

Community Meeting

A community meeting was held November 9, 2020 at 155 Survey Road, Moyock. There were six people in attendance including the applicant and county representatives. The attendees asked questions regarding the proposed use and what changes will occur on their property.

SURROUNDING PARCELS		
	Land Use	Zoning
North	Cultivated Farmland and Single Family Dwelling	AG
South	Residential Development with Golf Course	AG
East	Cultivated Farmland	GB
West	Planned Unit Development	SFM with PUD Overlay

LAND USE PLAN	
The 2006 Land Use Plan (LUP) classifies this site as Full Service within the Moyock subarea. The Full Service area specifies it is essential to preserve the existing community character with respect to nonresidential uses. The following policy is relevant to the zoning map amendment request:	
Policy CD1	NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.
MOYOCK SMALL AREA PLAN	
The 2014 Moyock Small Area Plan classifies this site as Full Service. Full Service designated areas encourages a high degree of architectural elements and creative site design. Development is intended to be designed and oriented with people in mind (human scale). The following policies are relevant to the request:	
Policy CC2	Encourage non-residential and mixed use development that incorporates building and site design to enhance community appearance, promote human scale, and create a unique sense of place. This may include common themed building materials, forms, and site amenities.
Policy ST2	Support local entrepreneurs that establish community serving businesses that diversify the local economy, are in close proximity to residential areas, and promote community interaction.

UDO

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

RECOMMENDATION

PLANNING STAFF

Beginning in 2007, conditional zoning has been a tool to help guide development to align with the community values and character recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to more appropriately address the impacts expected to be generated by the development. It provides predictability in the rezoning application to ensure that the development and use will conform to the county's adopted plans (2006 Land Use Plan and 2014 Moyock Small Area Plan) including LUP Policy CD1, CD4, CD5, and MSAP Policy CC2.

A conventional rezoning application is only required to meet the minimum standards of the UDO. The purpose of the General Business (GB) zoning district is to accommodate a wide variety of residential

and nonresidential uses on lots bounding major roadways. The GB district includes some uses that are intended or more suited for major highways and not secondary roadways such as Survey Road. Potential use compatibility conflicts with the allowed general uses in the GB zoning district could include such uses as: a parking lot; bar, nightclub, and lounge; convenience store; laundromat; pawn shop; boat and marine rental sales and service; automobile repair and service; car wash; taxicab service; hotel/motel; contractor service; and crabshedding. The conditional zoning process can tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. It can also address impacts that may be associated with the particular property and intended land use. Since the adoption of the 2013 UDO, conventional rezoning approvals included properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts.

The request does not appear to be in direct conflict with the 2006 Land Use Plan or the Moyock Small Area Plan. However, the LUP and the MSAP further describe highway oriented commercial uses that are more intended along major highways and do not encroach within or immediately adjoining existing residential areas (LUP Policy CD4, and CD5). The request does not provide assurances that all of the allowed uses in the GB zoning district would be consistent with the goals, objectives, and policies of the officially adopted plans. The property is located along a secondary road and across the street from a planned unit development with planned neighborhood serving commercial uses with use permit conditions intended for the undeveloped property. The property is also adjacent to existing GB zoning district that has frontage on Caratoke Highway.

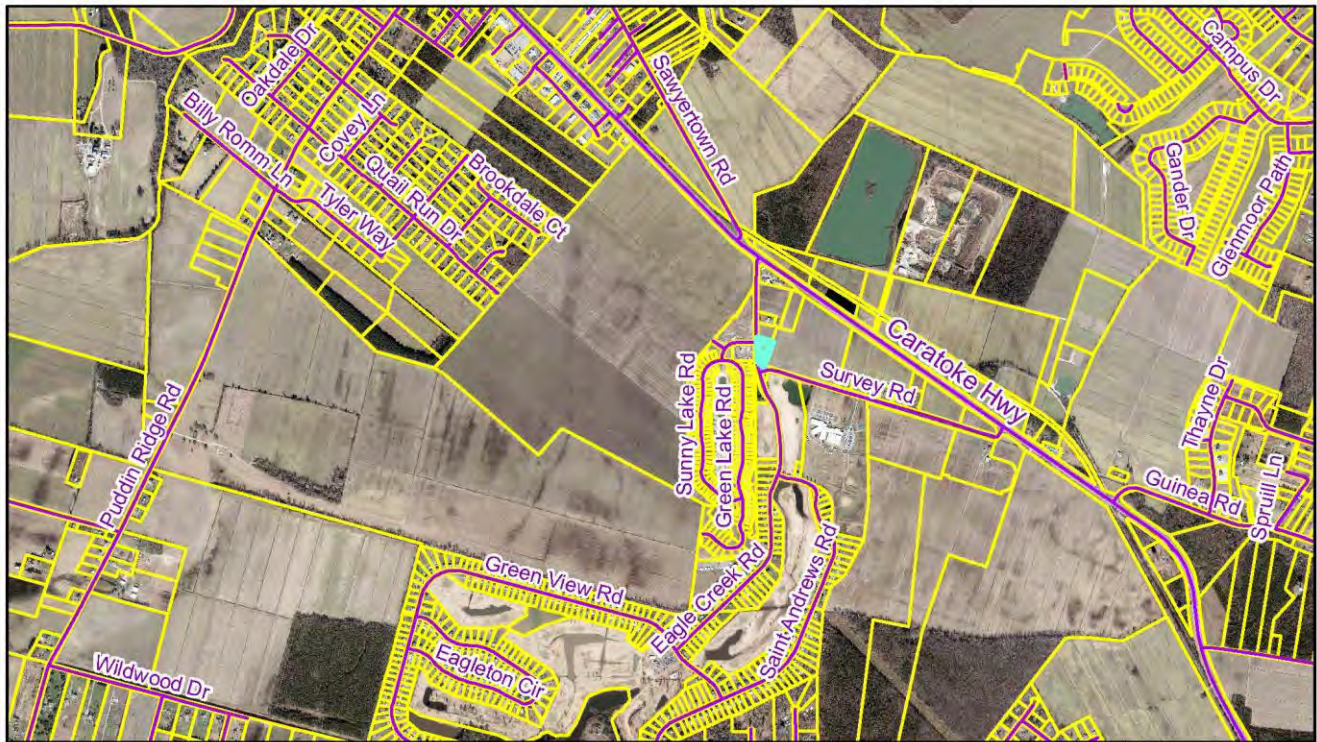
In an effort to provide assurances that address the 2006 LUP and MSAP compatibility policies, staff recommends the applicant submit a conditional zoning application with a plan that is more conceptual in nature. The conceptual plan could provide desired flexibility for the applicant with assurances that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

The request does not appear to provide any direct conflict with the 2006 LUP or MSAP. The board may determine that the location, size of the property, and general district allowable uses are consistent with LUP and MSAP; and compatibility can adequately be addressed through the site plan review process and requirements of the UDO.

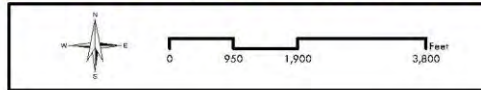
CONSISTENCY AND REASONABLENESS STATEMENT

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.

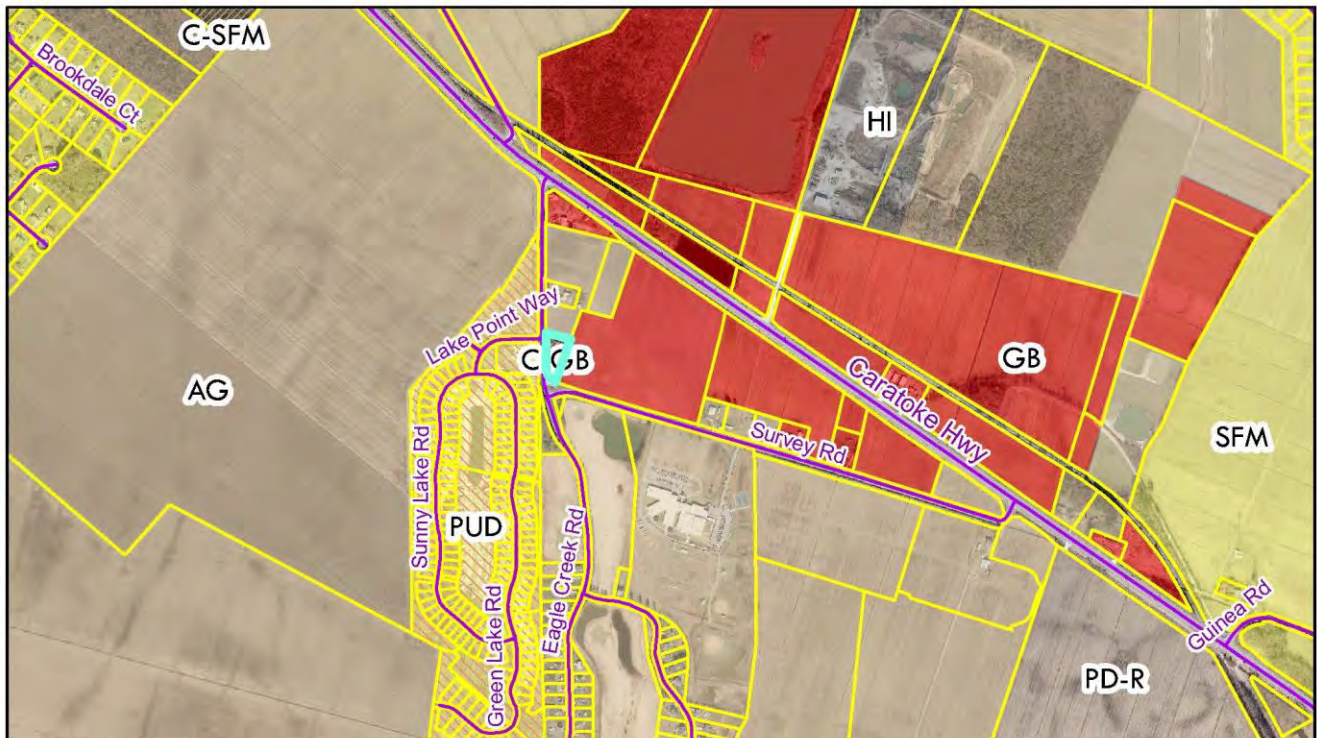
USE COMPARISON	
2018 C-GB Zoning Conditions	Uses Allowed in GB
<u>Immediate Use:</u> Bakery and specialty sandwich shop <u>Potential Future Uses:</u> - Eating Establishments - Offices - Recreation/Entertainment (indoor and outdoor) - Retail Sales and Services limited to: - Drug store or pharmacy - Financial institution - Repair establishment - Retail sales establishment <u>Prohibited Uses (requires BOC approval):</u> - Nightclubs - Bar - Automotive Sales - Shopping Center - Pawn Shop - Arena, Stadium - Wind Energy - Major Utility - Helicopter Landing - Halfway House - Boat Sales	Agriculture/Horticulture; Agri-education; Agri-entertainment Agribusiness; Equestrian facility; Farmer's and roadside market; Nursery; Agricultural research facility; Distribution hub for agricultural and agronomic products; Silviculture Dwelling (live/work, manufactured, single-family detached, upper story) Dormitory; Family care home; Rooming or boarding house Community Services Day Care Educational Facilities Government Facilities Health Care Facilities Assisted living facility; Auditorium, conference, and convention center; Club or lodge; Halfway house (u); Nursing home; Religious institution Arboretum or botanical garden; Community garden; Park Police, fire, or EMS facility Airport (u); Helicopter landing facility (u) Passenger terminal (surface transportation) Telecommunications antenna and tower (u); Utility, minor/major (u); Animal Care Eating Establishments Offices Parking lot Recreational/Entertainment, Indoor Arena, amphitheater, or stadium(u); Athletic facility; Golf driving range; Marina; Outdoor tour operator (u); Outdoor Recreation Artisan food and beverage producer; Bar, nightclub, or cocktail lounge; Convenience store; Drug store or pharmacy; Entertainment establishment; Financial institution; Funeral home; Grocery store; Laundromat; Pawn shop (u); Personal services establishment; Repair establishment; Retail sales establishment; Shopping center (u); Winery Boat and marine rental, sales, and service Vehicle sales and service, light Visitor Accommodations Contractor service Crabshedding; Research and development Public convenience center/transfer station (u)



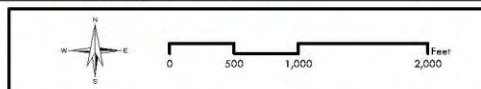
PB 20-23
Miller Homes and Building, LLC
Aerial Context Map



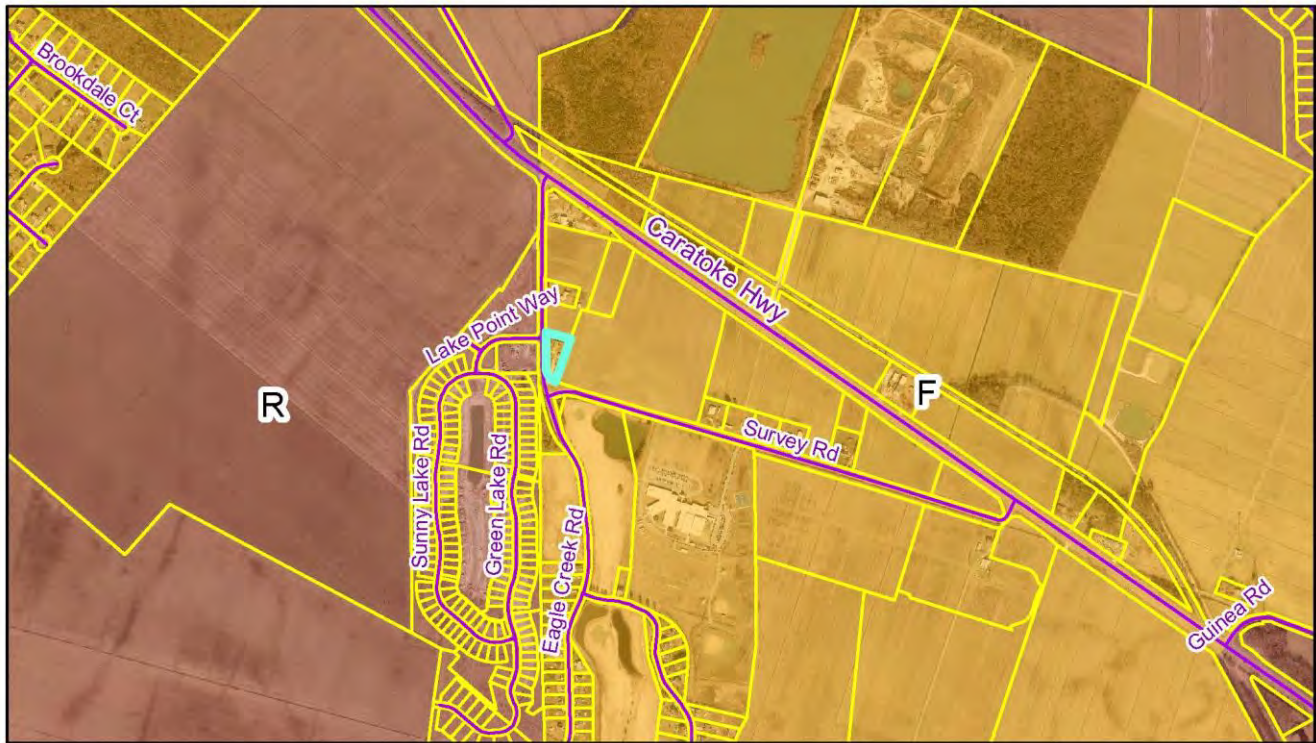
Currituck County
Planning and Community
Development



PB 20-23
Miller Homes and Building, LLC
Zoning Map

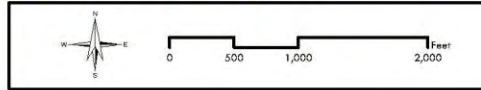


Currituck County
Planning and Community
Development

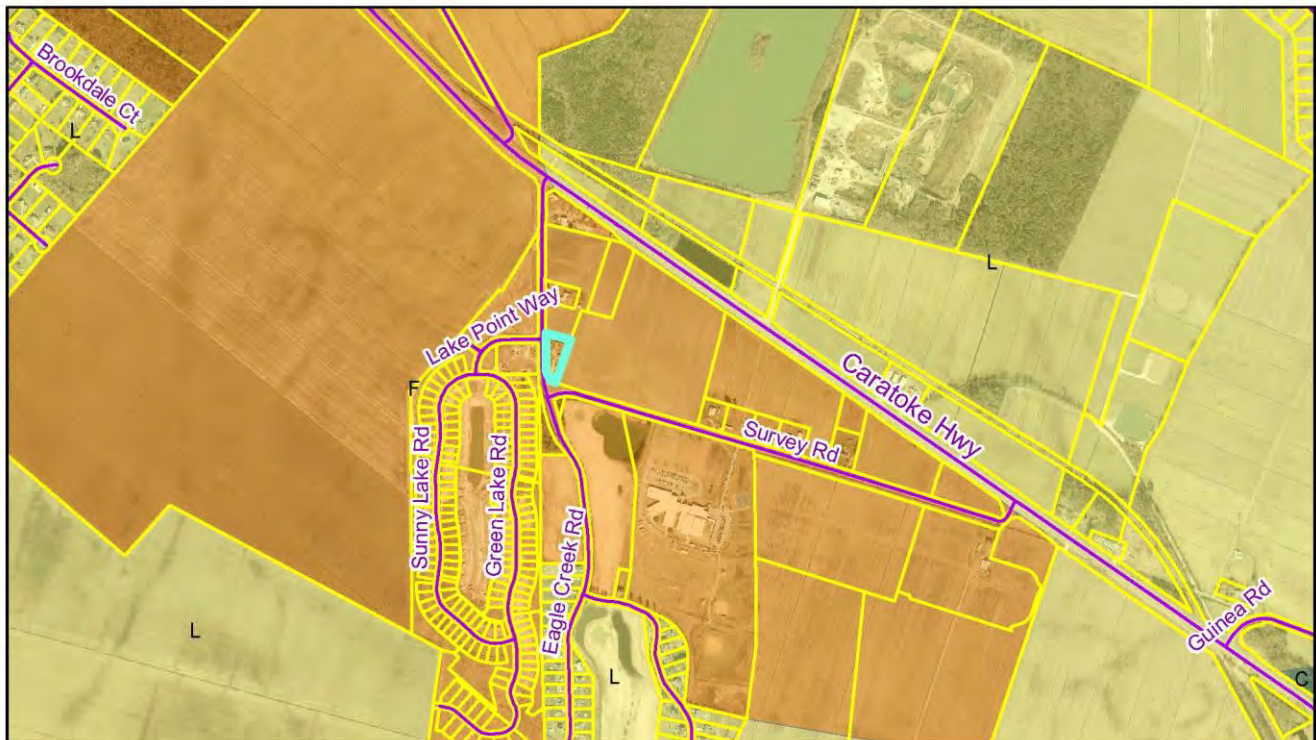


PB 20-23

Miller Homes and Building, LLC
2006 Land Use Classification Map

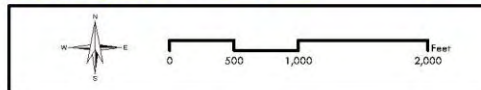


Currituck County
Planning and Community
Development



PB 20-23

Miller Homes and Building, LLC
2014 Moyock Small Area Plan



Currituck County
Planning and Community
Development

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



Zoning Map Amendment Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT: SAM MILLER FOR PROPERTY OWNER:
 Name: MILLER HOMES & BUILDING, LLC Name: - SAME -
 Address: 111 CURRITUCK COMM DR. Address: _____
SUITE B MARYCK, NC 27958
 Telephone: 252-435-6402 Telephone: _____
 E-Mail Address: SMILLER@MILLERHOMESANDBUILDING.COM E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: SAME

Property Information

Physical Street Address: 155 SURVEY RD
 Location: CORNER OF SURVEY RD NEAR LAKE VIEW
 Parcel Identification Number(s): 0015000047B0000
 Total Parcel(s) Acreage: 1.05
 Existing Land Use of Property: C-GB

Request

Current Zoning of Property: ~~C-GB~~ Proposed Zoning District: GB
 Total Acreage for Rezoning: 1.05 Are you rezoning the entire parcel(s): Yes/No
 Metes and Bounds Description Provided: Yes/No

Community Meeting, if Applicable

Date Meeting Held: 11/9/2020 Meeting Location: 155 SURVEY RD

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

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

[Signature] BY MILLER HOMES & BUILDING, LLC
 Property Owner(s)/Applicant* MANAGER

11/10/2020
 Date

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

Community Meeting Written Summary

For: 155 Survey Rd Moyock, NC 27958

When: November 9th, 2020 at 4:00 PM

Attendees:

- Donna Voliva – CC Planning Staff
- Savannah Newbern – CC Planning Staff
- Doris Floria – 430 Caratoke Hwy. Moyock, NC 27958
- Frank Floria Jr. – 438 Caratoke Hwy. Moyock, NC 27958
- Majestic Anderson – 118 Sims Rd. Moyock, NC 27958
- Sam Miller – Manager, Miller Homes and Building, LLC

Summary:

Meeting started at 4:02 pm by Sam Miller.

During the meeting Ms. Anderson asked what would be changed or put where the mobile home existed? Answer: Miller Homes and Building, LLC plans to build an office. Beyond that we do not have further plans at this time. We would welcome additional businesses, but at this time do not have any other plans.

Mrs. Floria asked what the zoning will be? Answer: We are asking for a GB zoning moving from a C-GB that would match the zoning of the 49 acres that this 1.05 acres touches.

Mrs. Floria asked if we plan to change anything on her property? Answer: No, only the 1.05 acres owned by Miller Homes and Building, LLC.

It was explained to everyone the reason for this rezoning was that with the current C-GB zoning we cannot make any more additions or changes to the property or the Bakery without rezoning or receiving an amendment. To allow for flexibility we are asking for the GB zoning.

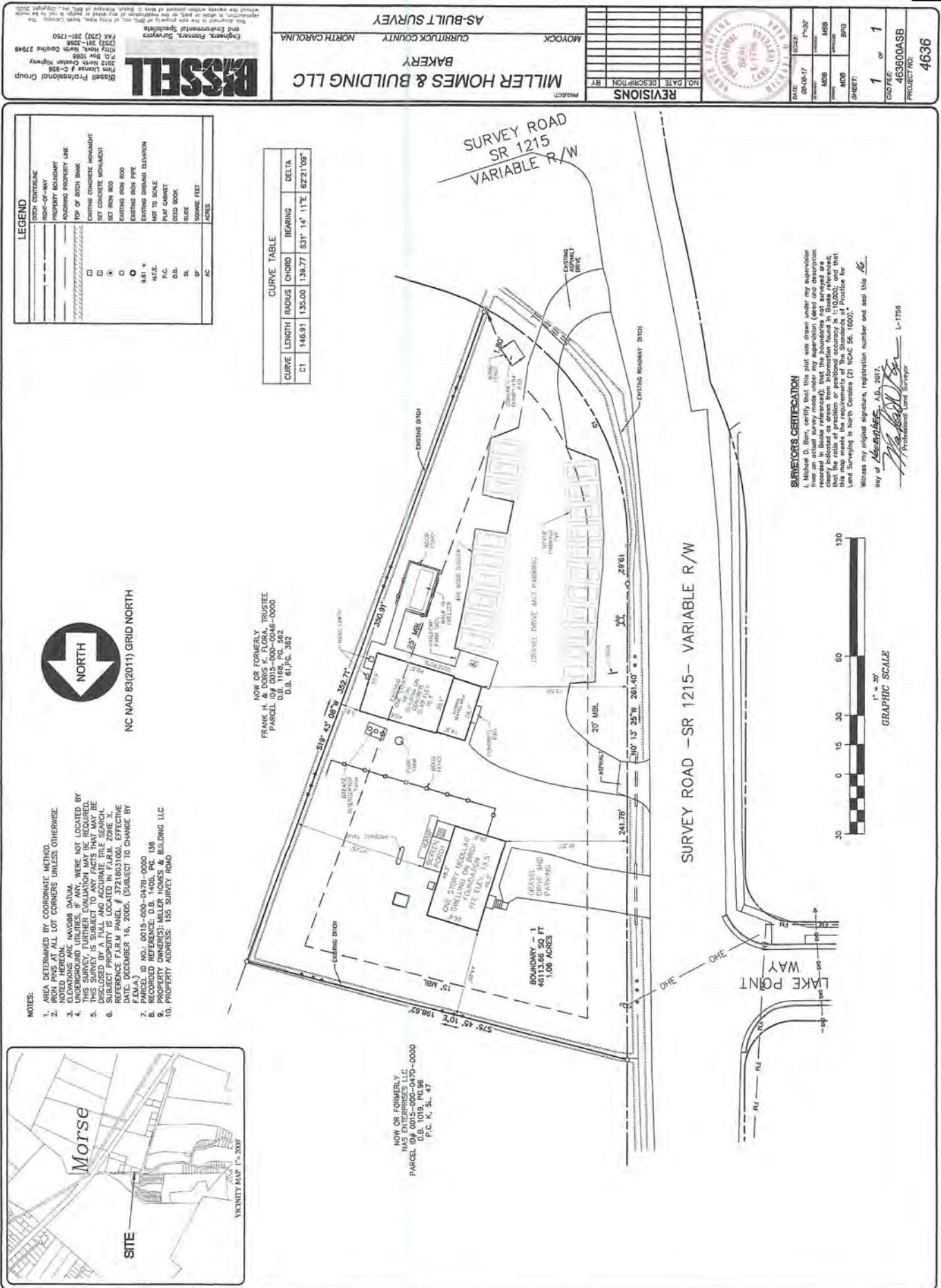
The meeting concluded at approximately 4:20 pm.

Sincerely,



Sam Miller, Manager

Miller Homes and Building, LLC





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: Sam Miller, Miller Homes and Building, LLC
From: Planning Staff
Date: December 10, 2020
Subject: PB 20-23 Miller Homes and Building, LLC

The Technical Review Committee met on December 9, 2020 to review the zoning map amendment for 155 Survey Road. The application for the zoning map amendment is a traditional or straight rezoning that is not accompanied by conditions or a conceptual plan. The comments provided are related to the rezoning of property and are valid for six months.

Planning and Community Development (Donna Voliva 252-232-6032)

Reviewed

1. The establishment of the conditional zoning process in 2007 was developed to offer an option to promote orderly growth in the county by providing tools to help guide development to be in line with the community values recognized in the officially adopted plans. Conditional zoning applications are preferred because they can include proposed conditions and concept plans. These conditions and plans address conformance and consistency of a development and use of the site with county adopted plans. The request was determined to have potential LUP conflicts (POLICY CD1, POLICY CD5). Staff understands the issues you have with the current zoning and modifications often require a new application. This can present issues when changes are later planned.
2. The property is zoned C-GB with a single family dwelling and a bakery. The conditional district prohibits night clubs, bar, automotive sales, shopping center, pawn shop, arena, stadium, wind energy, major utility, helicopter landing, halfway house, or boat sales. These types of uses can have compatibility issues and consistency problems with the Land Use Plan. Although you may not be considering any of the uses, without the conditional zoning it is difficult to address the implications.
3. The zoning map amendment request is to allow all uses in the GB zoning district, and it doesn't address compatibility conflicts with certain allowed general uses in the GB zoning district or surrounding land uses.
4. Zoning map amendments are a legislative decision of the Board of Commissioners and when determining to adopt or deny a request the BOC will consider whether the amendment:
 - a. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this ordinance.
 - b. Is in conflict with any provision of the UDO or the County Code of Ordinances;
 - c. Is required by changed conditions;
 - d. Addresses a demonstrated community need;
 - e. 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;
 - f. 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;

- g. Adversely impacts nearby lands;
- h. Would result in a logical and orderly development pattern;
- i. 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;
- j. 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);
- k. Would not result in significantly adverse impacts on the land values in the surrounding area; and,
- l. Would not conflict with the public interest, and is in harmony with the purposes and intent of this ordinance.

Currituck County Building and Fire Inspections (Jason Corbell 252-232-6029)

Reviewed

- 1. No comments at this time for rezoning.

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

Reviewed

- 1. No Comment

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

Reviewed

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

No Comment

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

Approved

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

No Comment

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

Reviewed

NCDOT (David Otts 252-331-4737)

No Comment

- 1. The department has no comment on this rezoning request.

Currituck County Public Utilities (Will Rumsey 252-232-2769)

Reviewed

- 1. What is the type of wastewater (on-site septic or sewer) proposed?

Comments were not received:

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



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3013

Agenda Item Title: PB 20-25 Stormwater BMP:

Submitted By: Matthew Kirkendall – Planning & Community Development

Item Type:

Presenter of Item: Matthew Kirkendall

Board Action: Action

Brief Description of Agenda Item:

This Text Amendment will revise Chapter 7 Section 3.4.B.2 to require new major subdivision stormwater infrastructure be designed for a twelve-inch rain event over a twenty-four-hour period.

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: December 18, 2020

Subject: PB 20-25 Currituck County Text Amendment
 Stormwater BMP

At its 2020 retreat, the Board of Commissioners discussed ways to address the stormwater and drainage issues the county is experiencing. These stormwater and drainage problems are especially impactful with the rate of growth of residential development. From the retreat discussion, staff received direction to model the impacts of “doubling” the stormwater regulations on a major subdivision project. A major subdivision is defined as a subdivision creating more than three lots. The current standards of the Unified Development Ordinance require new major subdivisions be designed to handle a ten-year, twenty-four-hour storm event, which is nearly equivalent to a six-inch rain event over twenty-four hours. The Timmons Group was tasked with modeling the increased pond storage size for two existing subdivisions, Froggy Meadows and Countryside Estates. They compared stormwater pond size for storing a six-inch rain versus a twelve-inch rain over a twenty-four-hour period. Staff from the Timmons Group presented their results at a Board meeting in June 2020.

Doubling of the regulations led to the following conclusions:

1. The pond area was increased by 2.5 times.
2. Resulted in a 15% loss in lot yield.

This Text Amendment will revise Chapter 7 Section 3.4.B.2 to require new major subdivision stormwater infrastructure be designed for a twelve-inch rain event over a twenty-four-hour period.

This amendment will require some changes to Chapter 2 of the County Stormwater Manual. Specifically, sections 2.1, 2.4.3, 2.4.4 and 2.4.5 will need to be revised. Planning staff and Stormwater are working on manual to coincide with potential enactment of this new regulation.

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:

Vision Statement: We will strive to maintain and enhance the quality of life within our communities for present and future generations by providing: [...]

- sound transportation planning and water, waste, and stormwater services for a growing population

Section 1: Community Concerns and Aspirations. “Although County development regulations are considered to be extremely strong, stormwater management concerns have been escalating as impervious surfaces and associated run-off have increased. For the Mainland, these concerns focus mostly on the abandonment and filling in of relic as well as functioning farm ditches to accommodate new development. Moreover, highly engineered stormwater management plans are being proposed to meet county requirements while existing, yet less sophisticated, systems are not being well maintained.”

Goal 7.9: To insure development is sensitive to the physical constraints of the land. (E)

5. Develop procedures for County review of drainage and storm water control plans and establish a system to verify plans have been implemented in the field; RESPONSIBLE AGENCY: Currituck County Planning Department, County Engineer, and Soil Conservation Service



**STAFF REPORT
PB20-25 CURRITUCK COUNTY
STORMWATER BMP TEXT AMENDMENT
PLANNING BOARD
JANUARY 12, 2021**

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

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

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

7.3 STORMWATER MANAGEMENT

7.3.4. Stormwater Management Standards

B. Stormwater Detention Requirements

- (2) Major Subdivisions subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from a 12 inch ~~the~~ 24-hour storm event ~~with a 10-year recurrence interval~~ down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence level based on pre-development conditions from a wooded site.

Item 2: Statement of Consistency and Reasonableness:

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

- It will maintain consistency with the Currituck County Land Use Plan's Vision Statement.
- It provides enhancements to our Stormwater services.
- It recognizes the Currituck County Planning and Engineering Departments, with the Soil Conservation services as the responsible agency to implement and require Stormwater plans.

The request is reasonable and in the public interest because:

- It continues the County's position in the Land Use Plan for addressing stormwater

- For new major subdivisions, it will help minimize stormwater damage to private and public property.

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

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

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

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

PLANNING BOARD DATE: _____
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 20-25Date Filed: 11/25/20Gate Keeper: C. [Signature]Amount Paid: \$
Contact Information
APPLICANT:
Name: Currituck CountyAddress: 153 Courthouse RoadTelephone: 252-232-2075E-Mail Address: ben.stikeleather@currituckcountync.gov
Request

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

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

To address the drainage concerns in new residential development, this text amendment proposes to require Stormwater BMP's for Major Subdivisions be designed for a 12 inch 24-hour rain event.

*Request may be attached on separate paper if needed.

[Signature]
Petitioner

11/25/20
Date

Stormwater BMP Design Criteria Text Amendment

Amend Chapter 7, Section 7.3.4.B(2) as follows:

"Major subdivisions subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from a 12 inch - the 24-hour storm event ~~with a 10-year recurrence interval~~ down to the pre-development discharge rate from a 3.5 inch - 24-hour storm event ~~with a 2-year recurrence interval~~ based on pre-development conditions from a wooded site."