



CURRITUCK COUNTY NORTH CAROLINA

August 13, 2019
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 Conference Room with six board members present.

Tammy Glave, Senior Planner, briefed board members on the application tabled at the last Planning Board Meeting, PB 19-13 Currituck County Minor Subdivision Text Amendment. She referenced the email sent regarding NCDOT traffic count and pointed out the changes made, at the direction of the Planning Board, on page 15 of the staff report. Ms. Glave also briefed the board members on PB 19-17 Baxter Station, a 127 unit planned development with density of 2.37 units per acre. Laurie LoCicero went over the school board meeting held on Monday night. She explained how the County had been tracking student numbers by grouping Moyock Elementary, Shawboro Elementary and Central Elementary together. The County thought that redistricting would be an option, but as of Monday night, this has changed since the school board voted against redistricting. This puts Moyock Elementary at 100 percent capacity, while Shawboro Elementary has room for an additional 150 students. Ms. LoCicero said she estimates Moyock to add an additional 108 homes by the end of this year which will generate an additional 54 students if we follow the same track as the previous months. Ms LoCicero said the County is responsible for funding the new school, but the school system has to pick the location for the school first. The board members asked if impact fees could be put on the home building contractors to give them some responsibility for the infrastructure and Ms. LoCicero said it is against NC state statute; The County cannot levy impact fees. Ms. Glave explained the difference between committed capacity and actual capacity.

The work session adjourned at 6:07 PM.

CALL TO ORDER - 6:00 PM

The Planning Board met in a regular session 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	Absent	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Present	
Juanita S Krause	Board Member	Present	
J. Timothy Thomas	Board Member	Present	
Laurie LoCicero	Planning and Community Department Director	Present	
Tammy Glave	Planning and Community Development Senior Planner	Present	

Cheri Elliott	Clerk to the Board	Present	
---------------	--------------------	---------	--

Chairman Ballance called the meeting to order at 6:08 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 any item on the agenda tonight. Mr. Owens said he had a conflict of interest with PB 19-13 Currituck County Minor Subdivision Text Amendment.

C. Announce Quorum Being Met

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

D. Approval of Agenda

Chairman Ballance asked for a motion to approve the agenda for tonight's meeting. Mr. Doll motioned to approve as presented. Ms. Krause seconded the motion and the motion carried unanimously.

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

APPROVAL OF MINUTES FOR JULY 9, 2019

Chairman Ballance asked if there were any changes needed for the Planning Board minutes for July 9, 2019. Mr. Doll motioned to approve as presented. Mr. Thomas seconded the motion and the motion carried unanimously.

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

E. PB Minutes July 9, 2019

OLD BUSINESS**A. PB 19-13 Currituck County:**

Tammy Glave, Senior Planner, presented the staff report and started with a clarification, stating you cannot have more than one access road per parent parcel. Ms. Glave also presented slides showing stripping out of lots, reviewed traffic counts of roads and gave the statement of consistency and reasonableness statement.

Ms. Krause said she believed this is a broad stroke labeling all and suggested the traffic count be incorporated.

Ms. LoCicero discussed the trip estimator.

Ms. Glave said this text amendment leads to higher quality developments having one road that leads into the development with parcel driveways off of that road.

Mr. Doll agreed that it would be better for the County to not allow stripping out.

Chairman Ballance opened the public hearing Sam Miller came before the board stating his business address as 111 Commercial Drive, Suite B, Moyock. Mr. Miller spoke against the text amendment saying it should not be put on low traffic count roads. He referenced his development, Laural Woods, which has all NCDOT roads with 160 homes. He said just because you make it NCDOT roads shouldn't stop a person from building on it.

The board discussed having a 25 mph speed limit or less exemption.

Mark Bissell came before the board and said the speed limit in Launch Landing is 35 mph and they cannot change it to 25 mph. He suggested the board use 25 mph or below 500 traffic count.

Chairman Ballance asked for a motion. Ms. Krause motioned to approve as presented, but amend the wording to 25 mph and/or 500 traffic count.

Ms. Glave asked for clarification concerning the "and/or". Ms. Krause corrected her motion to approve as presented, but amend the wording to 25 mph or 500 traffic count. Chairman Ballance seconded the motion and the motion carried 4-1 with Mr. Doll voting nay.

RESULT:	RECOMMENDED APPROVAL [4 TO 1]	Next: 9/3/2019 6:00 PM
MOVER:	Juanita S Krause, Board Member	
SECONDER:	C. Shay Ballance, Chairman	
AYES:	C. Shay Ballance, Chairman, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member, J. Timothy Thomas, Board Member	
NAYS:	David Doll, Board Member	
ABSENT:	K. Bryan Bass, Board Member	
RECUSED:	Garry Owens, Vice Chairman	

NEW BUSINESS

A. PB 19-17 Baxter Station:

Tammy Glave presented the staff report. The applicant is requesting a Planned Development-Residential (PD-R) zoning designation to support a 127 unit subdivision (103 single-family units; 24 duplex units). The density for the project is 2.37 units per acre and minimum lot size of approximately 10,000 sf. An on-site wastewater treatment plant will serve the project. Ms. Glave said this has a map amendment to Full Service and gave comparisons of adjoining properties. She spoke about adequate public facilities and how the school system is now at capacity since the school board voted at the emergency meeting to not redistrict students. In the past, there was the option to move students to other elementary schools with lower numbers. Also, the numbers for committed student capacity does not include minor subdivisions.

Ms. LoCicero further explained the conversations she had with the County Manager and the County Attorney before going into the Planning Board work session tonight saying redistricting students is not an option after the school board voted against it last night. She said we currently have 583 students at Moyock Elementary School which is 100% capacity. The popular housing market, along with the speed the contractors are building houses from start to Certificate of Occupancy has increased. This is causing a strain on our ability to provide adequate public facilities.

Ms. Glave said although staff does not support a rezoning to a PD-R District, staff does support conditional rezoning to a C-SFM with a compliant subdivision plan that meets the standards of that district. Should the board approve the PD-R zoning, staff recommends the following three conditions be addressed:

1. The Terms and Conditions document be incorporated into this request.
2. Address incompatibility issues with adjoining communities.
3. Redesign street/lot layout to meet the minimum connectivity index score.

Ms. Glave also went over the terms and conditions that have to be approved as part of the planned development rezoning. She said the Technical Review Committee recommended denial of the rezoning subject due to the incompatibility with the 2006 Land Use Plan and the surrounding communities. Also, this development does not meet the minimum connectivity index score and the developer has not demonstrated it is possible to meet it due to the topographic conditions, natural features, existing road configuration or adjacent existing developments. Ms. Glave did say the minimum score could be achieved with a redesign of the internal street layout if the developer would do so. She went over the consistency and reasonableness statement with the board.

Chairman Ballance opened the public hearing. Mr. Bissell with Bissell Professional Group came before the board and presented a PowerPoint presentation. He talked about the dead end streets not having cul-de-sacs and said this was done with The Villages in Grandy and believed that it worked well. He believes they meet the connectivity index since the issues with the railroad tracks and adjoining subdivisions should be considered. He also said it is compatible with the surroundings being similar to Hidden Oaks and Moyock Crossing and that the proposed Currituck Station directly across Caratoke Highway will have more than three times the proposed density per acre. He said the Baxter Lane ditch is currently in bad shape and they have plans to improve it with the development. He said Baxter Lane ditch is not NCDOT maintained so it gives an opportunity to widen the ditch and to form an association for its maintenance. Mr. Bissell showed pictures of the proposed houses and duplexes.

Attorney, Jamie Schwedler, with Parker Poe came before the board. She went over the applicant consistency with plans PowerPoint slides and said the Unified Development

Ordinance (UDO) is silent on density for PD-R so she believes the density they are proposing is allowed. She said the railroad tracks cause a problem with connectivity and they cannot change this.

Mr. Bissell made a comment that they are providing buffers between the existing subdivisions.

Ms. LoCicero asked to clarify a comment made previously by Mr. Bissell. She said although Currituck Station has 3,000 planned residences with 1,500 detached and 1,500 duplex units, it also has 1,000 acres of open space that Baxter Station does not have so we cannot do this comparison.

Three citizens from Moyock came before the board to express their concerns over not having adequate public facilities for the number of houses being built. They referenced the LUP PP2 of the UDO and said it does not meet this requirement. They said Moyock Elementary is at 100% capacity so we must put a moratorium on building until we have the needed facilities.

Ms. LoCicero spoke about the upcoming change in State regulations which will change the maximum capacity numbers allowed in grades kindergarten to third grade. This will make Moyock Elementary have a capacity of 529 students and they are already at 583 students. She talked about the extreme growth Moyock is currently having with a lot of military families moving here and said just recently, Moyock Elementary admitted another 42 students. She also said that Shawboro Elementary has room for more students, but cannot redistrict them now. She went over the number of Certificate of Occupancies from 2015 until 2018 to show the amount of growth.

Chairman Ballance closed the public hearing.

The board had discussion. Mr. Thomas said he has concerns and believes the audience is right that we need to slow things done.

Chairman Ballance said we could send a suggestion to the Board of Commissioners, but they are well aware of the situation.

Ms. Krause agreed that the school being at capacity is a concern.

Discussion was held concerning when the next school numbers will be received. Staff said numbers will be received 2 weeks after the start of school, in October and January.

Mr. Owens asked for clarification on the adequate facilities and what takes place. Ms. LoCicero said in the UDO, no development authorization shall extend the counties facilities and school has to be built within 2 years of the preliminary plat/use permit approval of the development. Ms. LoCicero said it is easier for the Planning Board's recommendation to be a denial since they are not required to show just cause. The Board of Commissioners hearing is quasi judicial and therefore must have good backup in order to deny a request.

Mr. Owens said my question has been answered and let the audience know the Planning Board decision tonight is not the last step in the process. Ms. LoCicero explained to the audience the Planning Board is for recommendation purposes to the Board of Commissioners, but the Board of Commissioners makes their own legislative decision.

The audience started making comments concerning the capacity of the schools and Mr. Ballance let them know their comments need to be directed to the Board of Commissioners and also the County has to wait on the school system to pick a site for the new school which has not been done yet.

Ms. Schwedler also commented to the audience saying we understand your concern, we are parents too, but this rezoning is separate from the preliminary plat use permit.

Chairman Ballance asked for a motion. Mr. Doll motioned to deny the request and Mr. Thomas seconded the motion. The motion passed with a 4-2 vote with Mr. Owens and Mr. Ballance voting nay.

RESULT:	RECOMMENDED DENIAL [4 TO 2]	Next: 10/21/2019 6:00 PM
AYES:	David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member, J. Timothy Thomas, Board Member	
NAYS:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman	
ABSENT:	K. Bryan Bass, Board Member	

ANNOUNCEMENTS

Ms. LoCicero announced the Dune Protection Stakeholders Meeting is tomorrow. Also, we will have a joint board meeting for the Planning Board and Board of Commissioners in September for review of the Currituck Station pattern book.

ADJOURNMENT

Mr. Owens motioned to adjourn the meeting and Mr. Doll seconded the motion. The meeting adjourned at 8:29 PM.



**CURRITUCK COUNTY
NORTH CAROLINA**

July 9, 2019
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 Conference Room with five board members present.

Tammy Glave, Senior Planner, briefed board members on PB 19-13 Currituck County Minor Subdivision Text Amendment to limit minor subdivisions to those without significant infrastructure improvements, such as road installed to NCDOT standards, fire hydrant, and fire pond. This direction was made to staff by the Board of Commissioners at the January 2019 retreat due to the increasing use of minor subdivisions and to remedy potential safety issues. This text amendment would also stop minor subdivisions from stripping out along existing NCDOT maintained roads and creating numerous individual driveways. Ms. Glave said the change to three or less lots from the original five or less lots was due a 2017 Interpretation from the Department of Insurance which stated the NC Fire Code applies to subdivisions of three or more lots. The fire code requires a road be built to certain standards and a fire hydrant or fire pond be installed. Also, because these changes requires a higher level of review, they should go to the Technical Review Committee (TRC) and should no longer be administratively approved by the Planning Director. Ms. Glave stated family subdivisions would be exempt from these changes, but the Fire Code requires an unobstructed road width of 20 feet exclusive of shoulders and this change would apply to family subdivisions, as well. Ms. Glave also explained an additional change concerning Chapter 29 of the General Statutes for division of a tract into parcels for a probated will; the division of land for this purpose is not a division of land for the purpose of sale or building development.

Donna Voliva, Assistant Planning Director, briefed board members on the conditional rezoning application for PB 19-15 Windswept Pines. This will add 14 residential lots, streets and an additional 2,500 square foot commercial building in the Windswept Pines development. Ms. Voliva explained how an approval of the rezoning will amend the Land Use Plan; Full Service and Limited Service designation gives the density. Ms. Glave also said if rural is not listed you cannot have density and Ms. Voliva said density is used to manage growth.

The work session adjourned at 5:58 PM.

CALL TO ORDER - 6:00 PM

The Planning Board met in a regular session at 6:00 PM 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	Absent	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Present	
Juanita S Krause	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Laurie LoCicero	Planning and Community Department Director	Present	
Donna Voliva	Planning and Community Development Senior Planner	Present	
Tammy Glave	Planning and Community Development Senior Planner	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Ballance called the meeting to order at 6:03 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. There were no conflicts noted.

C. Announce Quorum Being Met

Chairman Ballance announced a quorum with five board members present.

D. Approval of Agenda

Chairman Ballance asked for a motion to approve the agenda for tonight's meeting. Mr. Bass motioned to approve with the requested amendment. Mr. Doll seconded the motion and the motion carried unanimously.

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

APPROVAL OF MINUTES FOR JUNE 11, 2019

Chairman Ballance asked if there were any changes needed for the minutes of June 11, 2019. No changes were noted. Mr. Bass motioned to approved as presented. Ms. Krause seconded the motion and the motion carried unanimously.

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

E. PB Meeting June 11, 2019

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

A. PB 19-13 Currituck County:

Tammy Glave, Senior Planner, presented the staff report and said the text amendment came from a Board of Commissioner's directive at their work session. Ms. Glave explained the 2017 interpretation from the Department of Insurance which asserted the NC Fire Code is applied to subdivisions of three or more lots. Previously, the Fire Code was only applied to major subdivisions of five or more lots. A higher level of review is required since the application of the fire code requires a road to be built to a certain standard and a fire hydrant or fire pond be installed so it could no longer be administratively approved by the Planning Director alone and must go through the Technical Review Committee (TRC). An additional clarification in this text amendment would mandate internal streets for all subdivisions of two or more lots and stripping out along NCDOT maintained roads would not be allowed. This would create less driveways along state roads that would preserve the traffic function and minimize traffic accidents. Ms. Glave showed drawing examples of subdivisions being developed on main roads and cutting out NCDOT roads.

Chairman Ballance asked if the board members had any questions for staff.

Chairman Ballance asked if the Board of Commissioners could allow this change for only certain cases and Ms. Glave said no.

Chairman Ballance opened the meeting for public comment.

Sam Miller came before the board and explained a subdivision he is currently developing on Sanderson Court which will soon be a NCDOT road. He said more wording is needed in the text amendment for roads that are less traveled. He expressed concern over having to be a major subdivision if you put a NCDOT road in. Ms. Glave told Mr. Miller 20 or fewer lots for a major subdivision does not go the Board of Commissioners.

Mark Bissell came before the board and passed out 2 drawings showing two subdivisions located on roads that have very little traffic but are NCDOT roads. He said it doesn't make sense for all subdivisions to adhere to the cut-out restriction and there should be exceptions.

Mr. Miller spoke on Family Subdivisions saying farmers are having a hard time and this provides them with some money.

Mr. Bass asked staff if stipulations could be put in the cut-outs. Ms. Krause and Ms. Hilgendorf agreed that there should be another way besides restricting all.

Discussion was held over controlled limited roads, such as Tulls Creek, being allowed to have the cut-outs for subdivisions when it should not have happened. The board also discussed basing the restriction on average daily traffic count.

Ms. Glave said 10 acre lots are exempt to they could still strip out.

Mr. Doll stated the stripping out should not be allowed. Mr. Bass said the speed limit is an issue on the roads that have the stripping out.

Ms. Glave said she would get the daily traffic counts, but staff needs direction from the board on how to proceed.

Ms. LoCicero said the last traffic counts were from 2016, but she will send the link to the Planning Board.

Chairman Ballance motioned to table PB 19-13 Currituck County to the next regular meeting while the board proceeds to discuss with staff and narrow down the language for the text amendment. Mr. Bass seconded the motion and the motion carried unanimously.

Ms. Glave agreed that the traffic count is a good idea

RESULT:	TABLED [UNANIMOUS]	Next: 8/13/2019 6:00 PM
AYES:	C. Shay Ballance, Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member	
ABSENT:	Garry Owens, Vice Chairman, J. Timothy Thomas, Board Member	

B. PB 19-15 Windswept Pines

Donna Voliva, Assistant Planning Director, presented the staff report. This rezoning will modify the development plan. Ms. Volvia gave the narrative and describe the adjacent properties zonings. This property is designated at rural and the Small Area Plan shows as Full Service. Ms. Voliva showed a drawing of the subdivision and explained the phases of the 73 lot subdivision which has road extensions which are required by ordinance, explained the school capacity chart on page 20 and the 2006 Land Use Plan (LUP). In 2014 the county adopted a Moyock - Small Area Plan (SAP). In the past, staff has used the SAP as the guiding document, but earlier this year the Board of Commissioners made a decision that used the LUP. The LUP shows this area as Rural and this designation does not have any density classification, but the Moyock SAP shows it as Full Service with a density of 1.5 to 3 units per acre depending on surrounding land uses. The General Assembly has allowed rezoning decisions to automatically update the LUP. Therefore, an amendment to the Zoning Map is also an amendment to the 2006 LUP. Ms. Voliva also went over the agreed upon conditions of approval and said staff recommends approval since it is needed to amend the 2006 LUP to allow the increase in density for the development.

The board had no further question for staff.

Chairman Ballance opened the public comment and Mr. Bissell came before the board. He said this is basically an expansion; all is the same on the development plan except adding the 14 lots and the additional 2,500 square foot building.

There were no questions for the applicant.

Three residents of Windswept Pines voiced concerns about the amount of traffic and only having one entrance/exit road. They also said they were not made aware of these additions when they purchased within the subdivision and wanted to know what the commercial buildings will be used for.

Mr. Bissell responded saying there was never a plan to provide a second entrance from Baxter Lane, but eventually the two connector streets may be used if subdivisions are developed adjacent to the property. He said the commercial property where the buildings will be located has always been shown as commercial. The type of businesses to be located in these buildings are unknown at this time, but possibly a business such as a dry cleaner, office or retail.

Chairman Ballance motioned to approve PB 19-15 Windswept Pines conditional rezoning as presented with the agreed upon conditions of approval because the conditional zoning request is consistent with and amends the 2006 Land Use Plan by designating this property as Full Service on the future land use map because the amendment recognizes and implements the Full Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners. It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Moyock Small Area Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components.

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

The Windswept Pines residents in the audience voiced concerns over this approval. Ms. Voliva let them know this is a recommendation and the final decision will be made by the Board of Commissioners. She told them they will receive letters in the mail with the date and time of the Board of Commissioners meeting for this public hearing.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 8/19/2019 6:00 PM
AYES:	C. Shay Ballance, Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member	
ABSENT:	Garry Owens, Vice Chairman, J. Timothy Thomas, Board Member	

ANNOUNCEMENTS

Ms. LoCicero said the Board of Commissioners work session concerning dune protection will be on July 15th at 4:00PM.

Chairman Ballance congratulated Ms. Voliva on her son being drafted to the New York Yankees.

ADJOURNMENT

Ms. Krause motioned to adjourn. Ms. Hilgendorf seconded the motion and the meeting adjourned at 7:35 PM.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2510)

Agenda Item Title

PB 19-13 Currituck County:

Brief Description of Agenda Item:

Text amendment to the Unified Development Ordinance, Chapter 2. Administration, Chapter 6. Subdivision and Infrastructure Improvements, and Chapter 10. Definitions and Measurements, to limit minor subdivisions to those without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). It will also limit minor subdivisions from stripping out along existing NCDOT maintained roads. This text amendment does not apply to family subdivisions, a type of minor subdivision.

Planning Board Recommendation:

Planning Board Recommendation:

Recommended approval as presented in staff report with change to Minor Subdivision Requirements, Section D.(2)(a)(iv) shall not front an existing NCDOT maintained public street unless the speed limit is 25 mph (or less) or 500 (or less) traffic count.

Planning Board Motion: Ms. Krause motioned to approve as presented, but amend the wording to 25 mph or 500 traffic count. Chairman Ballance seconded the motion and the motion carried 4-1 with Mr. Doll voting nay.

Board Action Requested

Action

Person Submitting Agenda Item

Tammy Glave,

Presenter of Agenda Item

Tammy Glave


Currituck County

Planning and Community Development Department
 Planning and Zoning Division
 153 Courthouse Road Suite 110
 Currituck NC 27929
 252-232-3055 Fax 252-232302

To: Board of Commissioners
 Planning Board

From: Planning Staff

Date: August 7, 2019

Subject: PB 19-13 Currituck County Text Amendment – Minor Subdivisions

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 of subdivisions creating lots, thus driveways along existing roads. Minor subdivisions are divisions of land into 5 lots or less without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). Additionally, one of the revisions is required because of a change in general statutes.

In a 2017 interpretation from Department of Insurance, it was asserted that the NC Fire Code applied to subdivisions of 3 or more lots. Previously, the Fire Code was only applied to major subdivisions (more than 5 lots). The application of the fire code requires a road built to a certain standard and a fire hydrant or fire pond be installed. A higher level of review is required for subdivisions installing this type of infrastructure. This draft text amendment requires these subdivisions to be reviewed by the Technical Review Committee (TRC) (Planning, Building/Fire, Engineering, Water, Environmental Health, Stormwater, etc.) and can no longer be administratively approved by the Planning Director alone. It is important to note that these changes do not apply to family subdivisions.

It is important to note that limiting driveway cuts along existing roads preserves the traffic function of the road and minimizes traffic accidents. To have higher quality developments, it is important to mandate internal streets at two or more lots. This applies to minor and major subdivisions and is clarified in this text amendment.

Finally, the text amendment addresses a conflict with the Fire Code that requires "an unobstructed width of not less than 20 feet, exclusive of shoulders," for access to newly created lots. To meet the Fire Code standards, Private Access Street standards (only allowed for family subdivisions or subdivisions serving two or fewer lots) are being adjusted to require 20' of all-weather surface road able to support 75,000 pounds instead of 16' that is currently required. The text also clarifies that only one private access street is allowed per parent parcel.

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 this request subject to the staff suggested Statement of Consistency and Reasonableness listed in the staff report and the following text amendment standards:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
 - a. This request is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans. Please reference LUP policies HN 4, TR5, and CA 1.
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - a. The request is in harmony with the UDO and the County Code of Ordinances.
3. Is required by changed conditions;
 - a. Since Fire Code standards apply to minor subdivisions that create more than two lots (except Family Subdivisions), additional infrastructure is required. It is necessary for more departments and agencies to review the subdivision request since the subdivision can no longer be administratively approved by the Planner Director. A full TRC review is necessary, just as major subdivisions are reviewed.
 - b. Fire Code access standards apply to all newly created lots (except Family Subdivisions).
 - c. As more subdivisions develop, the safety of the traveling public must be a primary concern.
4. Addresses a demonstrated community need;
 - a. Community health and safety is of utmost concern.
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;
 - a. It will ensure efficiently and thoroughly vetted development within the county.

6. Would result in a logical and orderly development pattern; and
 - a. It is logical to require a full TRC review of subdivisions installing infrastructure and limiting excess driveway cuts along existing roads to create an orderly development pattern.
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.
 - a. It should have no adverse impacts on the natural environment.

STAFF NOTE: At the Planning Board meeting, Sam Miller requested a 90 day effective date for the approved ordinance to allow projects with complete applications to be approved under the previous ordinance. The Planning Board generally agreed to a delayed effective date.

Planning Board Recommendation – August 13, 2019

Recommended approval as presented in staff report with change to Minor Subdivision Requirements, Section D.(2)(a)(iv) shall not front an existing NCDOT maintained public street unless the speed limit is 25 mph (or less) or 500 (or less) traffic count.

Planning Board Discussion:

Tammy Glave, Senior Planner presented the staff report and started with a clarification, stating you cannot have more than one access road per parent parcel. Ms. Glave also presented slides showing stripping out of lots, reviewed traffic counts of roads and gave the statement of consistency and reasonableness statement.

Ms. Krause said she believed this is a broad stroke labeling all and suggested the traffic count be incorporated.

Ms. LoCicero discussed the trip estimator.

Ms. Glave said this text amendment leads to higher quality developments having one road that leads into the development with parcel driveways off of that road.

Mr. Doll agreed that it would be better for the County to not allow stripping out.

Chairman Ballance opened the public hearing Sam Miller came before the board stating his business address as 111 Commercial Drive, Suite B, Moyock. Mr. Miller spoke against the text amendment saying it should not be put on low traffic count roads. He referenced his development, Latural Woods, which has all NCDOT roads with 160 homes. He said just because you make it NCDOT roads shouldn't stop a person from building on it.

The board discussed having a 25 mph speed limit or less exemption.

Mark Bissell came before the board and said the speed limit in Launch Landing is 35 mph and they cannot change it to 25 mph. He suggested the board use 25 mph or below 500 traffic count.

Chairman Ballance asked for a motion. Ms. Krause motioned to approve as presented, but amend the wording to 25 mph and/or 500 traffic count.

Ms. Glave asked for clarification concerning the "and/or". Ms. Krause corrected her motion to approve as presented, but amend the wording to 25 mph or 500 traffic count. Chairman Ballance seconded the motion and the motion carried 4-1 with Mr. Doll voting nay.



**PB 19-13 CURRITUCK COUNTY
MINOR SUBDIVISION TEXT
AMENDMENT
BOARD OF COMMISSIONERS
SEPTEMBER 3, 2019
(PLANNING BOARD VERSION)**

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 2 Administration, Chapter 6 Subdivision and Infrastructure Improvements, and Chapter 10 Definitions and measurements, to limit minor subdivisions to those without significant infrastructure improvements (i.e. road installed to NCDOT standards, fire hydrant, fire pond). It will also limit minor subdivisions from stripping out along existing NCDOT maintained roads. This text amendment does not apply to family subdivisions, a type of minor subdivision. Additionally, two of the changes are required because of a change in general statutes.

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, underlined, and strikethrough language and adding the bold and underlined language in Section 2.4.8 Subdivisions:

2.4.8 Subdivision

C. Subdivisions Distinguished

There are three different types of subdivisions under this section: a no-review subdivision, a minor subdivision, and a major subdivision.

(1) No-Review Subdivision

A no-review subdivision is the division of land in a way that is not subject to review under this section, but is subject to compliance with all other applicable standards in this Ordinance and the County Code of Ordinances. No-review subdivisions consist of the division of land in one of the following ways:

- (i) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;
- (ii) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved. Each parcel that is part of the subdivision shall be greater than ten acres;
- (iii) The public acquisition by purchase of strips of land for the widening or opening of streets or provision of public utilities;

(iv) The division of a tract of land in single ownership that is no greater than two acres in area into not more than three lots, when:

- (A) No street right-of-way dedication is involved: and
- (B) The resultant lots are equal to or exceed the standards of this Ordinance.

(v) *The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes. (The division of land for the purpose of settling an estate is not a division of land for the purpose of sale or building development.)*

Any map or plat related to a no-review subdivision intended for recordation shall bear the words "no approval required" and the signature of the Planning Director.

(2) Minor Subdivision

A minor subdivision consists of the division of land into three or fewer lots that does not constitute a no review subdivision and 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.

(3) Major Subdivision

All other subdivisions of land shall constitute a major subdivision.

D. Minor Subdivision

(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);

(iv) It shall not front an existing NCDOT maintained public street unless of a private access street;

1. The NCDOT maintained public street has an Average Annual Daily Traffic Count (AADT) provided by NCDOT indicating 500 or fewer average annual daily trips; or,
 - a. If NCDOT does not have an AADT for the street the application must consult NCDOT to request a study or provide a traffic study by a NC Licensed Engineer quantifying AADT for the street.
2. The posted maximum speed enforceable by NC Highway Patrol or Currituck County Sheriff's Department is less than 25 miles per hour,

(v) The parent parcel and new parcel(s) shall front a private access street, if installed. 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 complies 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.

Item 2: That Chapter 6 is amended by and adding the bold and underlined language in Section 6.2. Required Infrastructure:

6.2.1 Street Standards

B. Exemptions

(1) Private Access Streets

- a. A streets 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

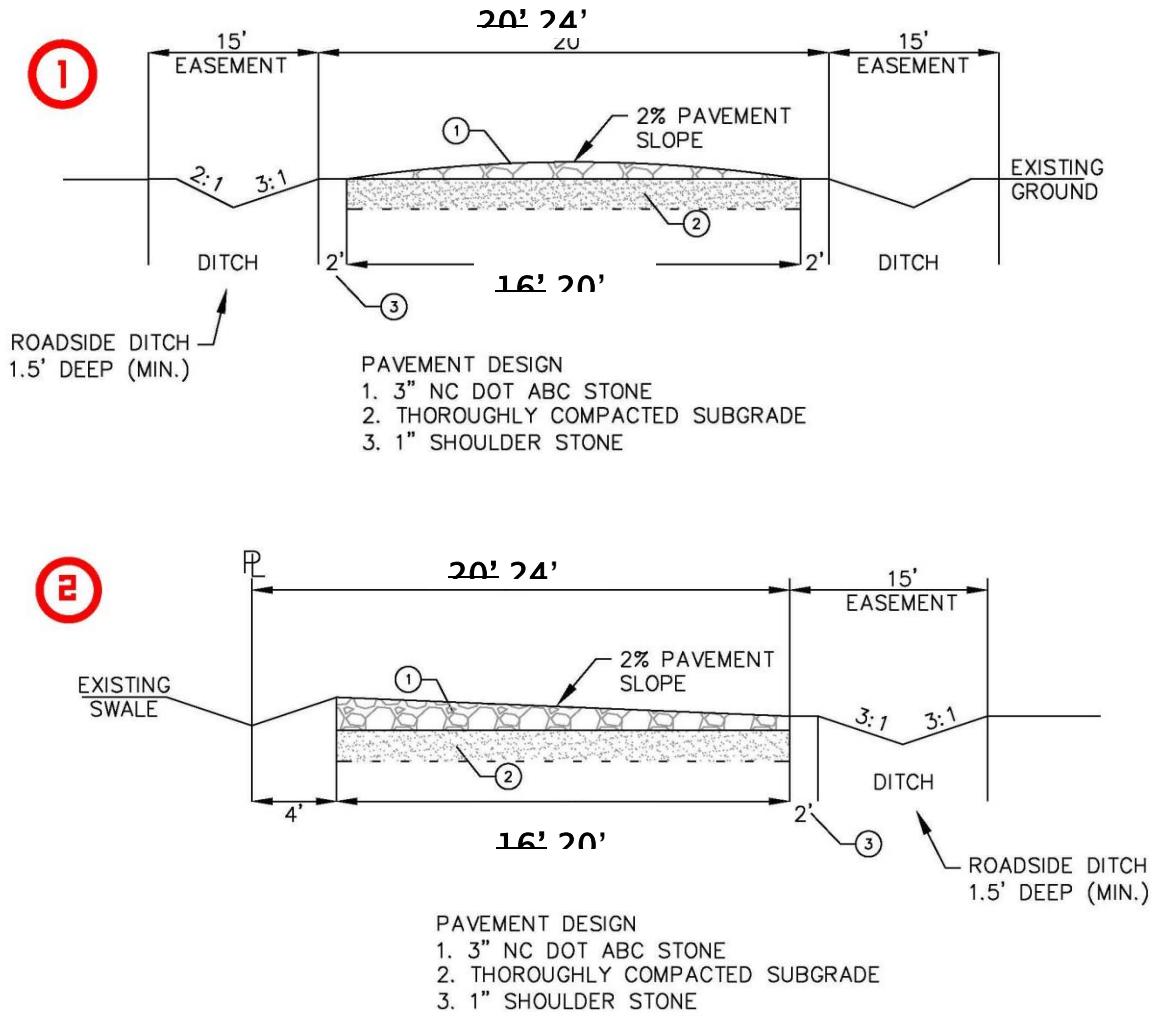
(Sections to be renumbered accordingly)

C. Street Access

(1) All lots must access the proposed internal subdivision street(s). Lots along existing NCDOT streets are prohibited unless exempted in this ordinance.

(Sections to be renumbered accordingly)

Figure 6.2.1.B: Private Access Street Standards



Item 4: That Chapter 6 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Figure 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 and <u>minor subdivisions</u>	20	16	2	N/A	N/A	No	No
Residential Subdivision	See NCDOT <i>Subdivision Roads Minimum Construction Standards Manual</i>					Yes	Yes
Nonresidential Subdivision	See NCDOT <i>Subdivision Roads Minimum Construction Standards Manual</i>					Yes	Yes
Conservation Subdivision	30	20 [1]	N/A	N/A	N/A	No	Yes
Planned Unit and Planned Development	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

Item 5: That Chapter 10 is amended by deleting the following bold, underlined, and strikethrough language and adding the bold and underlined language in Section 10.5 Definitions:

ANNUAL AVERAGE DAILY TRAFFIC (AADT)

The traffic average for a specific year at specific points on North Carolina's roads as provided by the North Carolina Department of Transportation.

INFRASTRUCTURE

Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities, streets, sidewalks, stormwater systems, firefighting elements (i.e. ponds, hydrants, etc.), communications, and public facilities such as fire stations, parks, schools, government buildings, etc.

SUBDIVISION, MINOR

The division of land into three or fewer lots that does not constitute a no review subdivision, and does not require significant infrastructure improvement. 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.

STREET STUB

A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

STREET, ARTERIAL ACCESS

A street that is parallel to and adjacent to a major arterial street and that is designed to provide access to abutting properties as means of protecting the arterial street's traffic carrying capacity.

STREET, COLLECTOR

A street whose principle function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than 100 dwelling units and 800 trips per day.

STREET, CONNECTING

A streets which serve as the connecting road system between roads within a subdivision and the thoroughfare system.

STREET, CUL-DE-SAC

A local street that terminates in a vehicular turnaround.

STREET, DEAD-END

These are streets less than 2,500 feet in length, open at one end only without special provisions for turning around (i.e. cul-de-sac, T-intersection) and have no collector characteristics.

STREET, LOCAL

A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and less than 800 trips per day.

STREET, LOOP

A street that has its beginning and points on the same road.

STREET, MAJOR ARTERIAL

A street whose principal function is to carry large volumes of traffic at higher speeds from one part of the county to another. Specifically, the following streets shall be considered arterials: US 158, NC 168, NC 34, NC 136, NC 615 and NC 12 (Ocean Trail).

STREET, PRIVATE

A street other than a public street.

STREET, PRIVATE ACCESS

A street subject to the requirements of Section 6.2.1.B.1, Private Access Streets, that serves a family subdivision or a maximum of two lots.

STREET, PUBLIC

A public right-of-way for vehicular travel which has been designed, constructed and dedicated to and accepted by the North Carolina Department of Transportation (DOT) for public use or which has been otherwise obtained by DOT for such use or which is proposed to be constructed and then dedicated to and accepted by DOT as a public right-of-way for vehicular traffic for public use pursuant to this ordinance.

STREET, RESIDENTIAL COLLECTOR

A street which serves as a connecting street between local residential roads and the thoroughfare systems. Types of residential collector streets include: dead end streets, connecting streets, loop streets, and subdivision access streets.

STREET, SUBDIVISION ACCESS

A road built through vacant property to provide access to the property being developed. This road would not have existing lots platted along it.

Item 6: Staff suggested Statement of Consistency and Reasonableness:

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

- POLICY HN4: Currituck County shall discourage all forms of housing from leapfrogging into the midst of farmland and rural areas, thereby eroding the agricultural resource base of the county.
- Policy TR5: So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents, and avoid land locking interior land parcels, Currituck County shall discourage residential and commercial strip development along the county's primary roads.
- Policy CA1: The important economic, tourism, and community image benefits of attractive functional major highway corridors through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting, and tree preservation.

The request is reasonable and in the public interest because:

- A higher level of review is required for subdivisions installing significant infrastructure (i.e. roads installed to NCDOT standards, fire hydrants, fire ponds). This type of subdivision must be reviewed by the Technical Review Committee and not administratively approved by the Planning Director alone.
- Limiting driveway cuts along existing roads preserves the traffic function of the road and minimizes traffic accidents.
- To have higher quality development, it is important to mandate internal streets at more than 2 lots.

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 _____, 2019.

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: PB 19-13
 Case Number: _____
 Date Filed: 4/25/19
 Gate Keeper: tdg
 Amount Paid: n/a

Contact Information

APPLICANT:

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

Request

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

Amend Chapter(s) 2, 6, and 10 Section(s) 24.8, Figure 8.2.1.B, Figure 8.2.1.D, and 10.5 as follows:

To limit minor subdivisions to those subdivision that do not require significant infrastructure improvements

(Including but not limited to a road installed to NCDOT standards, fire hydrant, fire pond);

To limit minor subdivisions from stripping out along existing NCDOT maintained roads.

*Request may be attached on separate paper if needed.


 Petitioner

6/4/19

Date



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2568)

Agenda Item Title

PB 19-17 Baxter Station:

Brief Description of Agenda Item:

Planned Development - Residential zoning to support 127 unit subdivision (103 single-family units; 24 duplex units) with a density of 2.37 units per acre and minimum lot size of approximately 10,000 sf with the construction on an onsite wastewater treatment plant.

Board Action Requested

Action

Person Submitting Agenda Item

Tammy Glave,

Presenter of Agenda Item

Tammy Glave



**STAFF REPORT
PB 19-17 BAXTER STATION
REZONING
PLANNED DEVELOPMENT- R
PLANNING BOARD
AUGUST 13, 2019**

APPLICATION SUMMARY

Property Owner: Jarvis Harvest LLC 701 Blue Point Dr Wilmington NC 28411	Applicant: Allied Properties LLC Justin Old 417 Caratoke Highway Unit D Moyock NC 27958
Case Number: PB 19-17	Application Type: Rezoning to PD-R
Parcel Identification Number: 0009-000-025A-0000	Existing Use: Cultivated Farmland
Land Use Plan Classification: Rural	Parcel Size (Acres): 53.43
Moyock Small Area Plan Classification: Full Service	Zoning History: AG (2013) A (1989)
Current Zoning: AG	Proposed Zoning: PD-R
<p>Request: The applicant is requesting a Planned Development-Residential zoning to support a 127 unit subdivision (103 single-family units; 24 duplex units) with a density of 2.37 units per acre and minimum lot size of approximately 10,000 sf with the construction on an onsite wastewater treatment plant.</p>	

ADEQUATE PUBLIC FACILITIES – SCHOOLS¹

School	Actual Capacity²	Committed Capacity²	Proposed Capacity Changes
			Number of Students
Moyock Elementary			
Shawboro Elementary	92%	118%	+32
Central Elementary			
Moyock Middle			
Currituck Middle	82%	96%	+10
Currituck High			
JP Knapp Early College	84%	104%	+18

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

²Capacity percentages are based on the 2021 classroom standards

SURROUNDING PARCELS

	Land Use	Density (units/ac)	Avg Lot Size	Zoning
North	Low density residential, commercial	.39 (15 lots across from proposal)	2.6 ac	AG, GB, C-MXR
South	Residential (Hidden Oaks)	1.81	.25 ac	C-SFM
East	Vacant	0	5.19 ac	GB
West	Residential (Baxter Lane Estates)	.61	.98 ac	C-SFM

DEVELOPMENT OPTIONS

	Density (units/acre)	Maximum # of Units	BOC Action Required
Option 1 By Right in AG Zone	.44 (w/ 60% open space)	23	Approval of major subdivision
Option 2 Rezone to C-SF-M	1.0	53	<ol style="list-style-type: none"> 1. Rezone to C-SFM 2. LUP map automatically revised to Full Service 3. Approval of major subdivision
Option 3 Rezone to PD-R (Applicant's Request)	3.0 (2.37)	160 (127)	<ol style="list-style-type: none"> 1. Rezone to PD-R 2. LUP map automatically revised to Full Service 3. Approval of Planned Development

REQUEST**NARRATIVE**

The applicant is requesting a Planned Development-Residential (PD-R) zoning designation to support a 127 unit subdivision (103 single-family units; 24 duplex units). A planned development zoning district is defined by a master plan and a terms and conditions document. The density for the project is 2.37 units per acre and minimum lot size of approximately 10,000 sf. An on-site wastewater treatment plant will serve the project.

The maximum residential density allowed in a PD-R is referenced to the land use classifications from Future Land Use Map of the 2006 Land Use Plan. **A PD-R project in Full Service can have up to 3 dwelling units per acre; a PD-R project in Limited Service can have up to 1.5 dwelling units per acre.** There is **not a reference of density for a PD-R project for either Rural or Conservation** classification because Rural and Conservation areas typically do not have the infrastructure to support a higher density development.

Preferred uses in the Rural classification include very low density, dispersed development associated directly with farm uses. Residential dwellings associated with farm activity typically employ on-site water supply (e.g. individual wells) and waste disposal (i.e. septic systems). Areas meeting this intent of this classification are appropriate for or presently used for agriculture, forestry, and other similar uses. Population densities are generally very low and development density is anticipated at no more than 1 unit per 3 acres. In addition, any development in the Rural Areas would be served by individual on-site water and septic. If the rezoning is approved, that act will automatically revise the Future Land Use Map from the 2006 Land Use Plan. This property will be reclassified from Rural to Full Service.

The Moyock Small Area Plan designates this property as Full Service.

Schools are at or over the 2021 committed capacity in Moyock in the elementary and high school groups. Should the board choose to amend the 2006 CAMA Land Use plan and approve the project, a phasing schedule with the maximum number of single-family/duplex building permits allowed per calendar year may be established. There is no phasing plan submitted as part of the Terms and Conditions.

Staff has compatibility concerns between this development and the surrounding developments. While lot size may be "identical to those that were recently approved in adjoining neighborhoods", lot size is not the only factor to compare. Among other factors, it is also important to compare densities and the proposed 2.37 units per acre far exceed those of surrounding developments:

- a. Hidden Oaks: Density 1.81 units per acre with lot sizes similar to those proposed.
- b. Baxter Lane Estates: Density .61 units per acre with the average lot size of .98 of an acre.
- c. 15 Lots with frontage along Baxter Lane density: .39 units per acre with an average lot size of 2.66 acres.

The connectivity index score of 1.45 as shown is below the UDO requirement of 1.6 for a PD-R (UDO Section 5.6.4). It is staff's opinion that the connectivity index score cannot be reduced because the developer has not demonstrated that it is not possible to meet the minimum score due to topographic conditions, natural features, existing road configuration, or adjacent existing development patterns. (UDO Section 5.6.4.C) With an undeveloped lot, without any of the above restrictions, the development can be designed to meet the minimum connectivity index score. This is another indication that the property may be better suited to be zoned C-SFM as the adjoining subdivisions are able to meet the connectivity index score. A project zoned SFM has a minimum connectivity score of 1.2. There are no wetlands on the property. The only major drainage feature currently on the property is the ditch that runs along Baxter Lane. The property slopes from 7-8 feet in the northwestern corner to 5-6 feet in the southeastern corner so topography should not be an issue for street design.

The purpose and intent of community form standards like the connectivity index score adopted by the Board of Commissioners is to require developments to meet certain minimum design standards within communities. The applicant's engineer stated that "the only way to improve the connectivity index score is through additional street stubs to adjacent properties". A different solution would be to reduce the number of cul-de-sacs or dead ends by a redesign of the street layout. A street stub to Baxter Lane Estates is not allowed since because Baxter Lane Estates has open space designated on the area next to this project. A street connection is not allowed through the open space. There is a planned connection to Hidden Oaks. The applicant offered a street stub to the railroad right-of-way as part of a resolution for this issue. This is not a preferred option because it creates another railroad crossing when one is available on Baxter Lane. If the board allows for that street stub, staff suggests that railroad encroachment agreements be in place prior to submittal of preliminary plat and the cost of the improved crossing bonded until the crossing is installed.

Baxter Lane Ditch is a major drainage way that runs along Baxter Lane and outlets to Shingle Landing Creek. This ditch drains Baxter Station, Windswept Pines, properties along Baxter Lane and acreage west of NC 168. The improvements to this ditch will need to be adequately sized to handle the changed upstream drainage patterns from Windswept Pines stormwater management. At the end of NCDOT maintenance on Baxter Lane, there is an undersized culvert and a drainage way leading the Shingle Landing Creek with numerous blockages. This undersized culvert and blocked drainage way may impact proper drainage of not only this project but other areas that are served by this outlet ditch.

The on-site wastewater plant is located near the frontage along the railroad track. With the general information provided with the application, it appears there is adequate space for an on-site wastewater treatment facility to be constructed. At preliminary plant, the applicant will need to have a soil study completed along with approved plans for the on-site treatment facility. Albemarle Regional Health Department supports consulting engineers' proposal to construct a wastewater treatment plant or connect to an existing wastewater treatment if available due to the questionable soil conditions of the project area.

It should be noted that adjoining subdivisions are zoned Conditional Single-Family Mainland (C-SFM). Staff would support a conditional rezoning from Agricultural (AG) to SFM if all UDO, LUP, and Moyock Small Area Plan standards are met. A LUP map amendment will still be required to change the classification from Rural to Limited or Full Service, but can take place simultaneous with the rezoning. The density allowed will then be more compatible with the adjoining Baxter Lane Estates and closer to compatible with the lots on the opposite side of Baxter Lane. Staff cannot speak to lot size similarities without knowing the average lot size for this development. The average lot size appears to be approximately 10,600 sf. A rezoning to C-SFM would reduce the number of units allowed on the property, but it would also address compatibility and UDO inconsistency as outlined above.

COMMUNITY MEETING

A community meeting was held on April 22, 2019 at 4:30 pm at the Moyock Library. There were 12 people from the community in attendance. The engineer reviewed the proposed development plan and the approval process. The comments received at the meeting included traffic concerns, drainage concerns, property values regarding duplexes, build-out schedule, keeping tree buffer, Baxter Lane ditch improvements, and wastewater treatment. A summary of the community meeting is provided in the packet.

CONDITIONS OF APPROVAL

While staff does not support a rezoning to a PD-R district, staff does support conditional rezoning to a C-SFM with a compliant subdivision plan that meets the standards of that district. Should the board approve the PD-R zoning, staff recommends the following conditions be adequately addressed:

1. The Terms and Conditions document be incorporated into this request. (attached)
2. Address incompatibility issues with adjoining communities.
3. Redesign street/lot layout to meet the minimum connectivity index score.

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The policy emphasis for the Moyock subarea is managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. In areas where on-site wastewater is proposed and other county services are limited, development density should be limited to 1-2 units per acre. The proposed development plan may be considered consistent with the Moyock subarea emphasis, but this consideration does not change the 2006 Land Use Plan land use classification of the subject property. This signifies a discrepancy with the UDO dimensional standards for the PD-R district.* The following land use plan policy is relevant to the request:

Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and proximity of the site to existing and planned urban services. (summary)
------------	--

***Prior zoning map amendments adopted by the BOC placed emphasis on the Moyock Small Area plan future land use map classifying this property as Full Service. A recent zoning map amendment, PB 18-23 effective May 6, 2019, placed emphasis on the CAMA Land Use Plan. The decision emphasizes the 2006 Land Use Plan as the controlling document and the relation to the UDO dimensional standards for the PD-R district signifies a discrepancy between the two plans.**

Moyock SMALL AREA PLAN

The Moyock Small Area Plan identifies this site as Full Service. Full Service designations are focal points in the community where high amounts of activity occur. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surround land uses. The following small area plan policies are relevant to the request.

Policy FLU1	Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.
Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location.

Drainage and Utilities

County Engineer Comments

The ditch along Baxter Lane will be a key component for this project. We are aware of downstream restrictions that may impact proper drainage of this area.

RECOMMENDATION

Technical Review Committee

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

1. It is incompatible with the 2006 Land Use Plan and the surrounding communities as outlined above.
2. The minimum connectivity index score is not met and the developer has not demonstrated that it is not possible to meet the minimum score due to topographic conditions, natural features, existing road configuration, or adjacent existing development patterns. The minimum score can be met with internal street/lot layout redesign.

CONSISTENCY AND REASONABILITY STATEMENT

A planned development rezoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a rezoning the Board of Commissioners shall adopt a written statement of consistency and reasonability.

This PD-R zoning request is inconsistent with the 2006 Land Use Plan because the PD-R request is incompatible with the surrounding communities as outlined above. Staff supports a C-SFM rezoning which would afford compatibility with surrounding developments which are zoned C-SFM and AG.

A PD-R rezoning is not reasonable and not in the public interest because of compatibility concerns and non-compliance with standards in the UDO. However, the 2006 LUP map amendment is compatible and in the public interest because it is required by changed conditions acknowledged by the Moyock Small Area Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components. A C-SFM

rezoning is reasonable and in the public interest because the SFM district is intended to "accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place stress on the county's educational infrastructure." A variety of use types are allowed in the SFM district including single-family dwellings and duplexes.

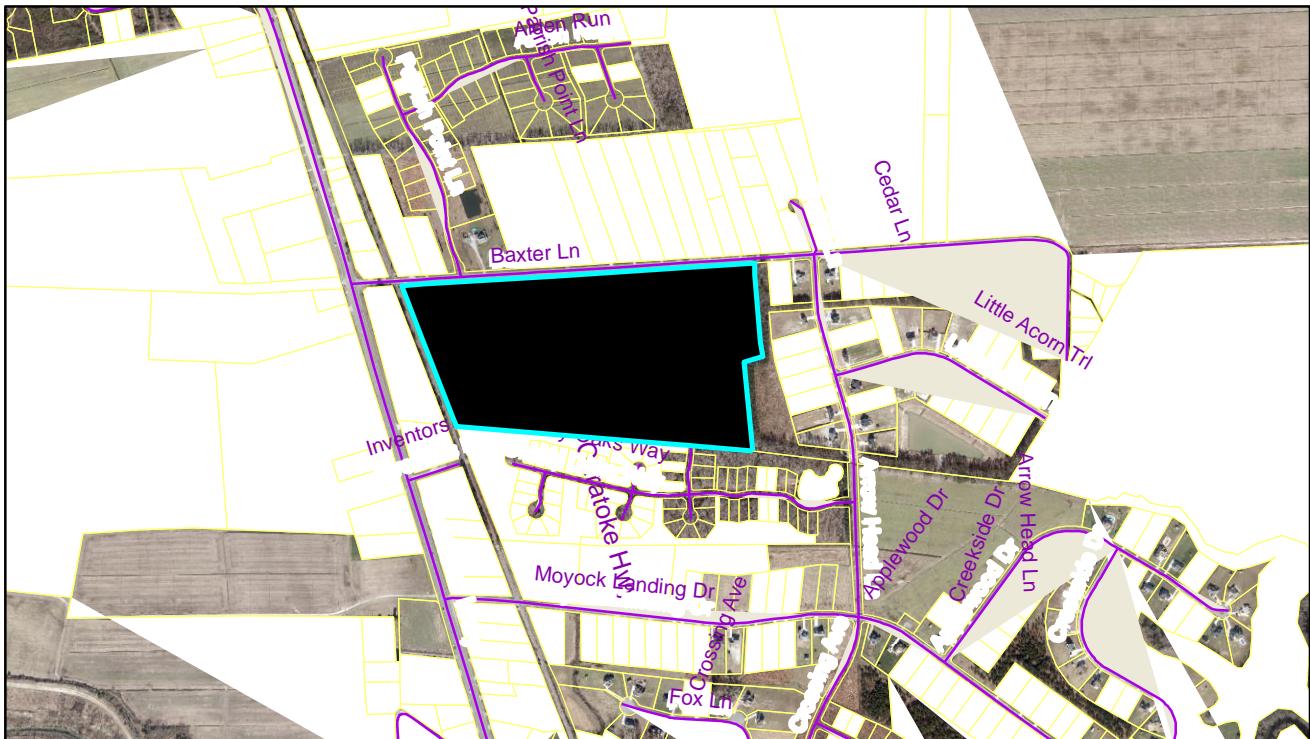
TERMS AND CONDITIONS OF APPROVAL

Terms and conditions shall be approved as part of a planned development rezoning. No condition shall be less restrictive than the standards of the parallel general use zoning district. While staff does not support a rezoning to a PD-R district, staff does support conditional rezoning to a C-SFM with a compliant subdivision plan that meets the standards of that district. Should the board approve the PD-R zoning, staff recommends the following conditions be adequately addressed:

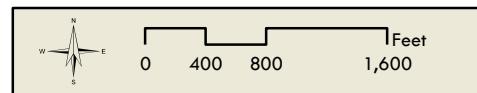
Terms and conditions of approval:

1. Address incompatibility issues with surrounding communities. (Planning)
2. Redesign street/lot layout to meet the minimum connectivity index score. (Planning)
3. The ditch along Baxter Lane will be a key component for this project. We are aware of downstream restrictions that may impact proper drainage of this area. (Engineering)
4. That the Terms and Conditions document (attached) be incorporated into the approval.

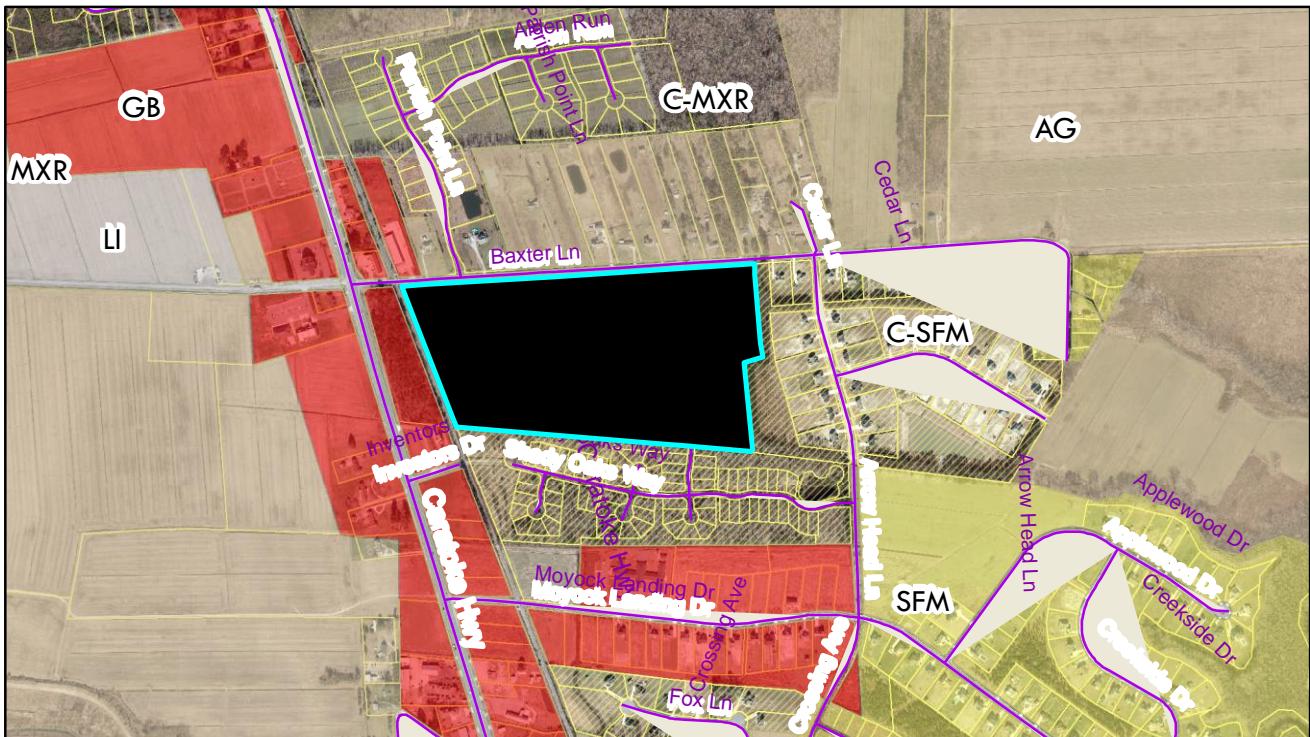
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/planning-board-minutes-current.cfm



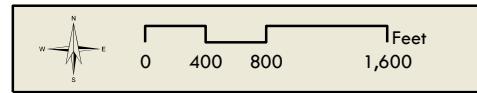
PB 19-17 Baxter Station
PD-R Rezoning
2016 Aerial Photography



Currituck County
Planning and
Community Development

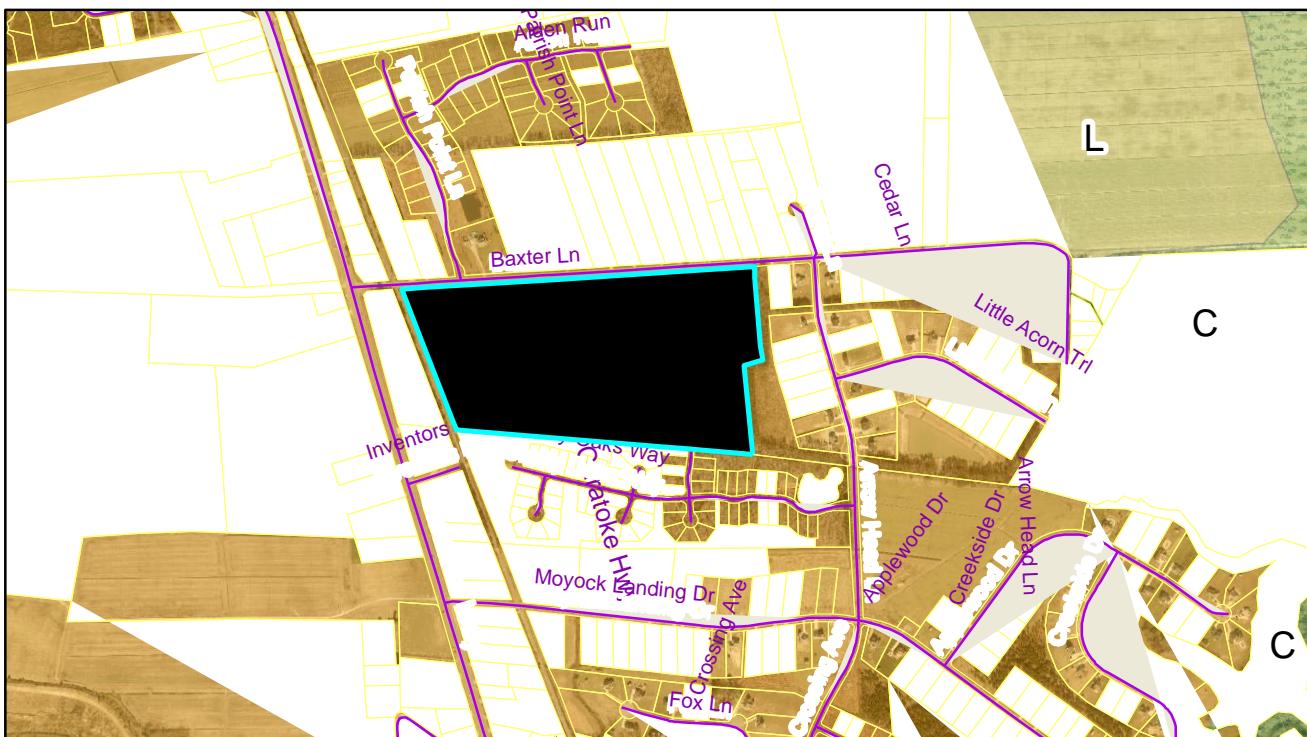
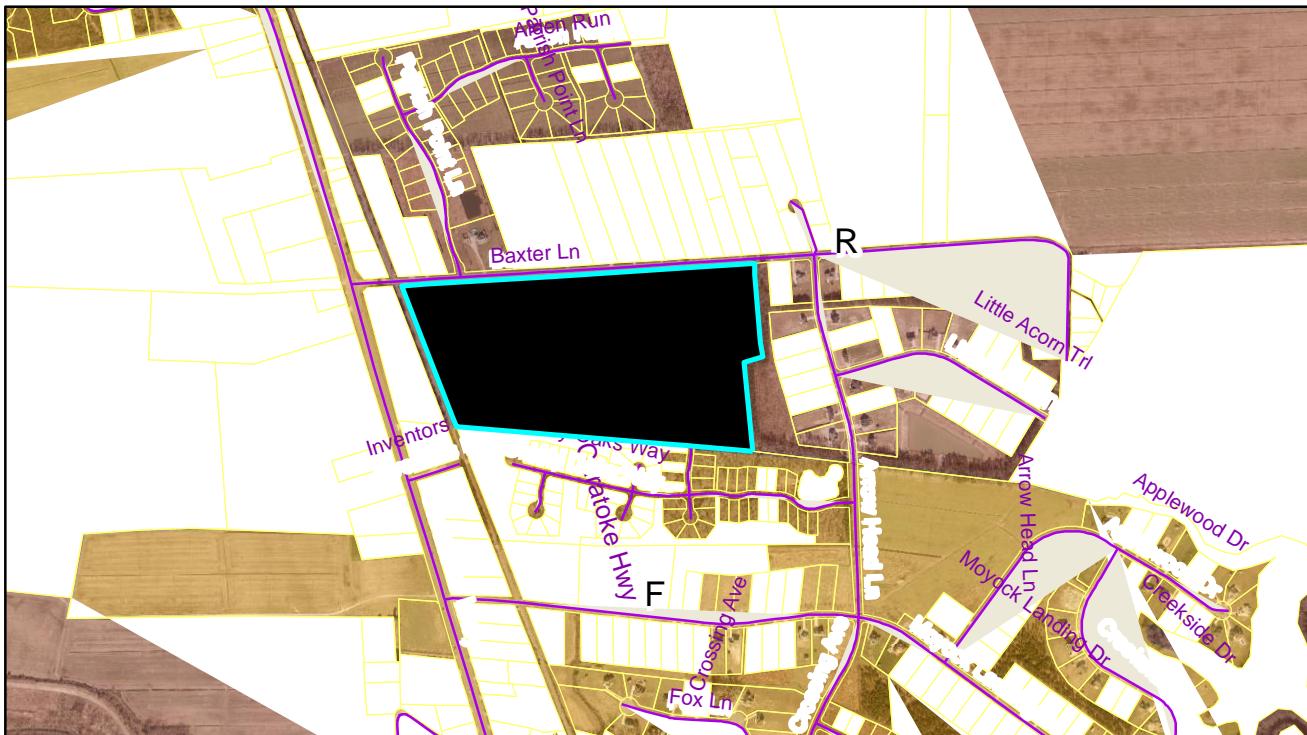


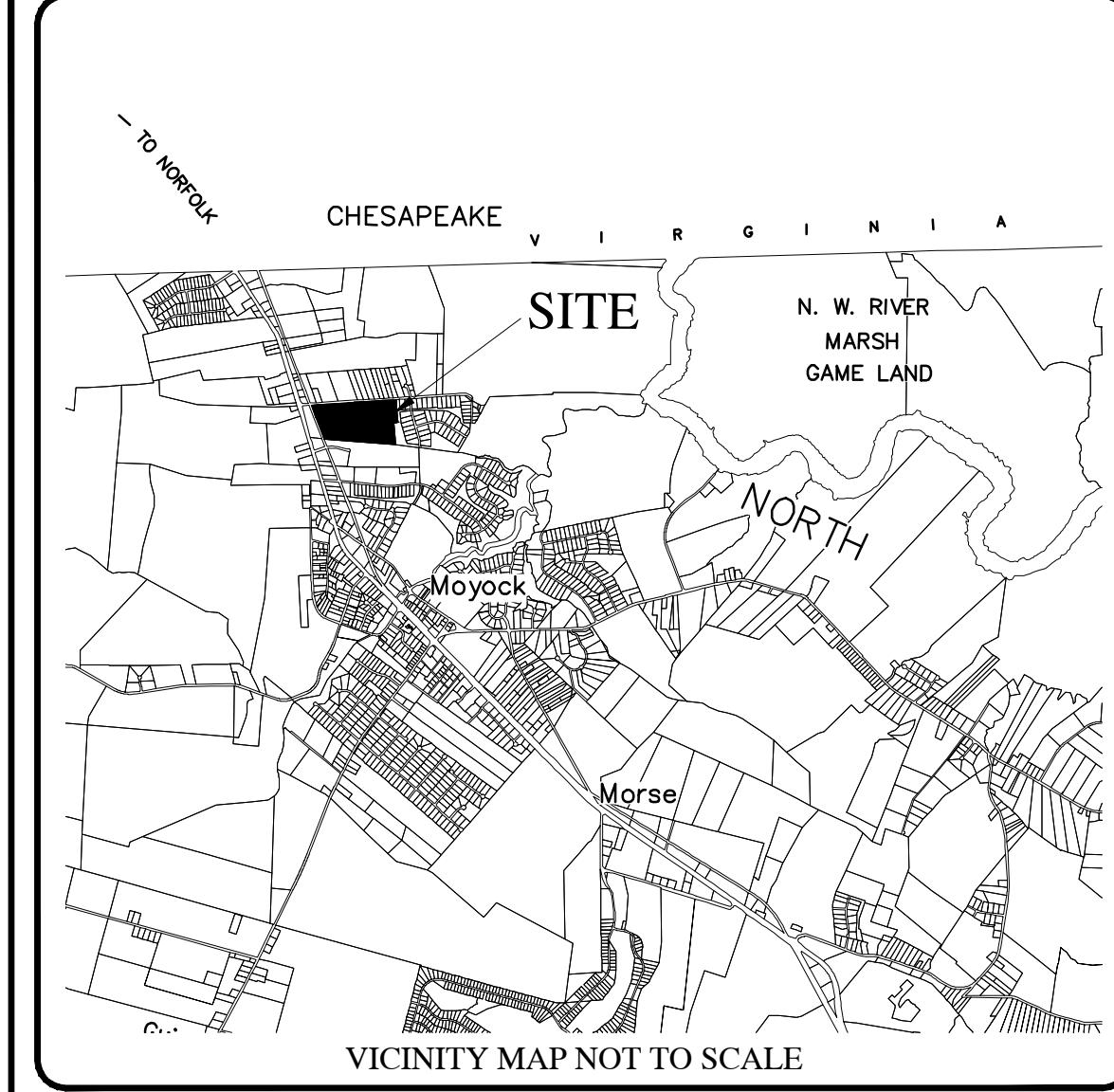
PB 19-17 Baxter Station
PD-R Rezoning
Zoning Map



Currituck County
Planning and
Community Development

PB 19-17 Baxter Station
Planned Development Rezoning
Page 7 of 8





BAXTER STATION

PLANNED DEVELOPMENT - RESIDENTIAL

PRELIMINARY MASTER PLAN

CURRITUCK COUNTY

GENERAL DEVELOPMENT NOTES

1. PROPERTY OWNER: JARVIS HARVEST, LLC
701 BLUE POINT DR.
WILMINGTON, NC 28411
2. APPLICANT: ALLIED PROPERTIES, LLC
417-D CARAWAKE HIGHWAY
MOYOCK, NC 27958
3. PROPERTY DATA: ADDRESS: BAXTER LANE, MOYOCK, NC 27958
PIN: 0009-000-025A-0000
RECORD: D.B.1421, PG:801
ACREAGE: 53.43 ACRES
4. ZONING: EXISTING: AGRICULTURAL (AG)
PROPOSED: PLANNED DEVELOPMENT - RESIDENTIAL (PD-R)

SHEET

DESCRIPTION

NO.	DATE	DESCRIPTION	PROJECT	REVISIONS
1			BAXTER STATION PD-R	
2				
3				
4				
5				

COVER SHEET & DEVELOPMENT NOTES
MASTER PLAN WITH OFF-SITE WWTP FACILITY
UTILITIES PLAN WITH OFF-SITE WWTP FACILITY
MASTER PLAN WITH ON-SITE WWTP FACILITY
UTILITIES PLAN WITH ON-SITE WWTP FACILITY

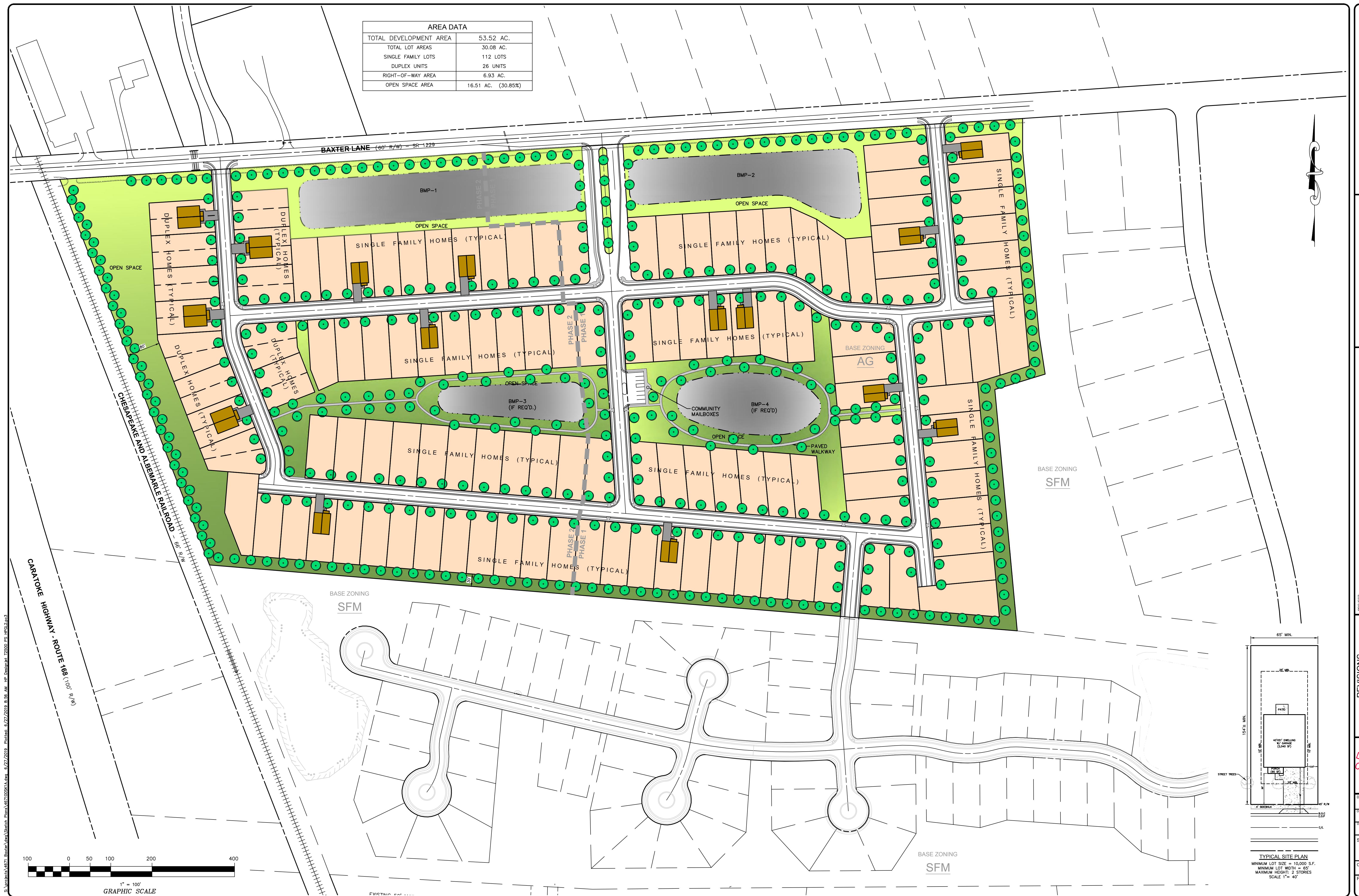
BISSELL PROFESSIONAL GROUP
 3612 North Croatan Highway
 P.O. Box 1068
 (252) 281-2266
 FAX (252) 281-1760
 Engineers, Planners, Surveyors
 and Environmental Specialists

COVER SHEET
DEVELOPMENT NOTES
 THIS DOCUMENT IS THE SOLE PROPERTY OF BISSELL PROFESSIONAL GROUP, INC., CITY OF HAWK, NORTH CAROLINA. THE REPRODUCTION IN WHOLE OR IN PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN, IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF BISSELL PROFESSIONAL GROUP, INC. COPYRIGHT 2005

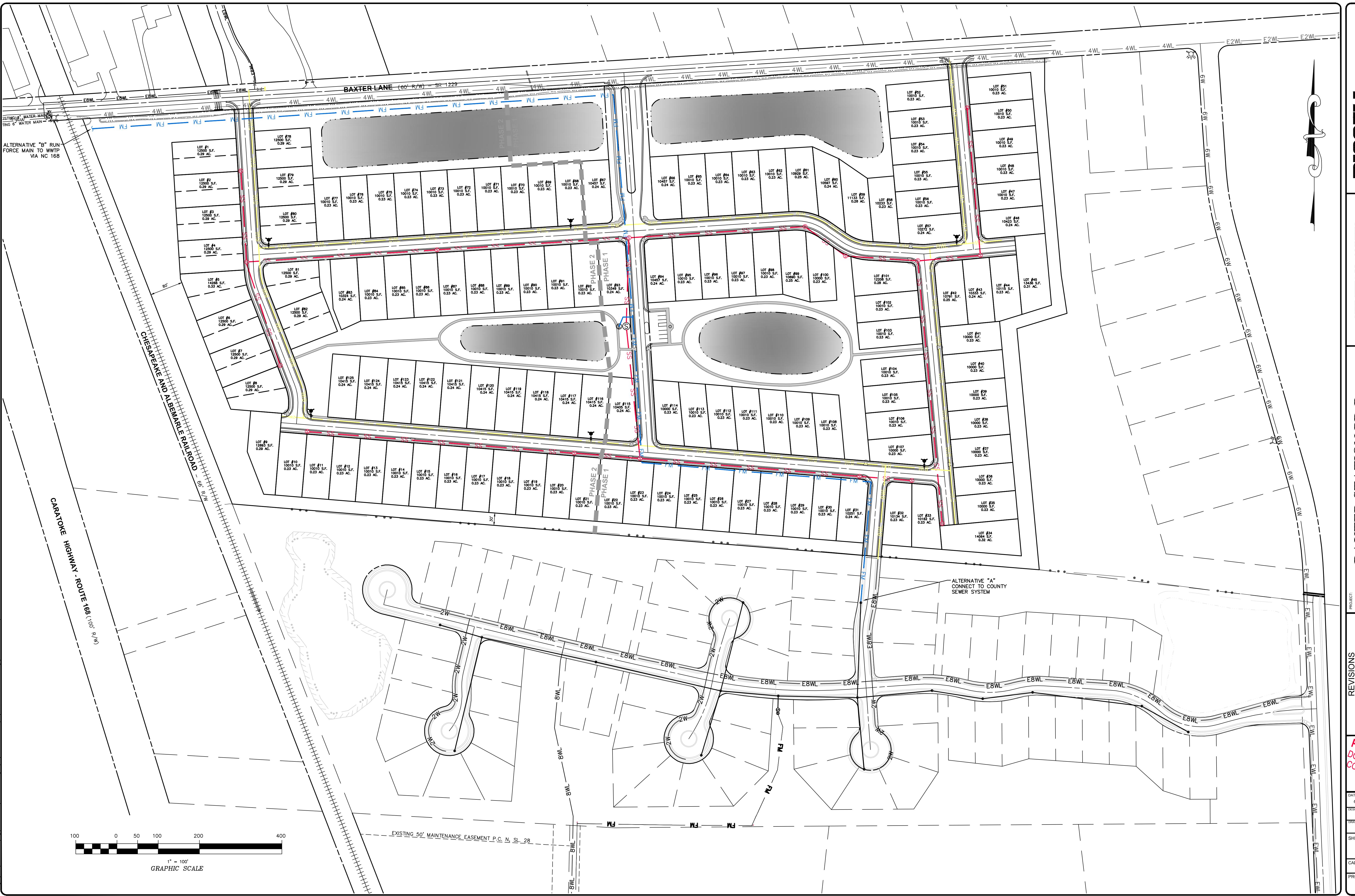
NO.	DATE	DESCRIPTION	PROJECT	REVISIONS
1			BAXTER STATION PD-R	
2				
3				
4				
5				

**PRELIMINARY
DO NOT USE FOR
CONSTRUCTION**

DATE: 6/14/19	SCALE: 1" = 100'
DESIGNED: BPG	CHECKED: MSB
DRAFTER: KFW	APPROVED: BPG
SHEET:	
1	5
CAD FILE: 467100SK1A	
PROJECT NO: 4671	

<div[](https://www.bissellgroup.com/images/BissellGroupLogo.png)

Attachment: 2 6-27-19 Baxter Station Master Plan (PB 19-117 Baxter Station)



BISSELL PROFESSIONAL GROUP
 3512 North Crotan Highway
 P.O. Box 2026
 (252) 281-1760
 Engineers, Planners, Surveyors
 and Environmental Specialists

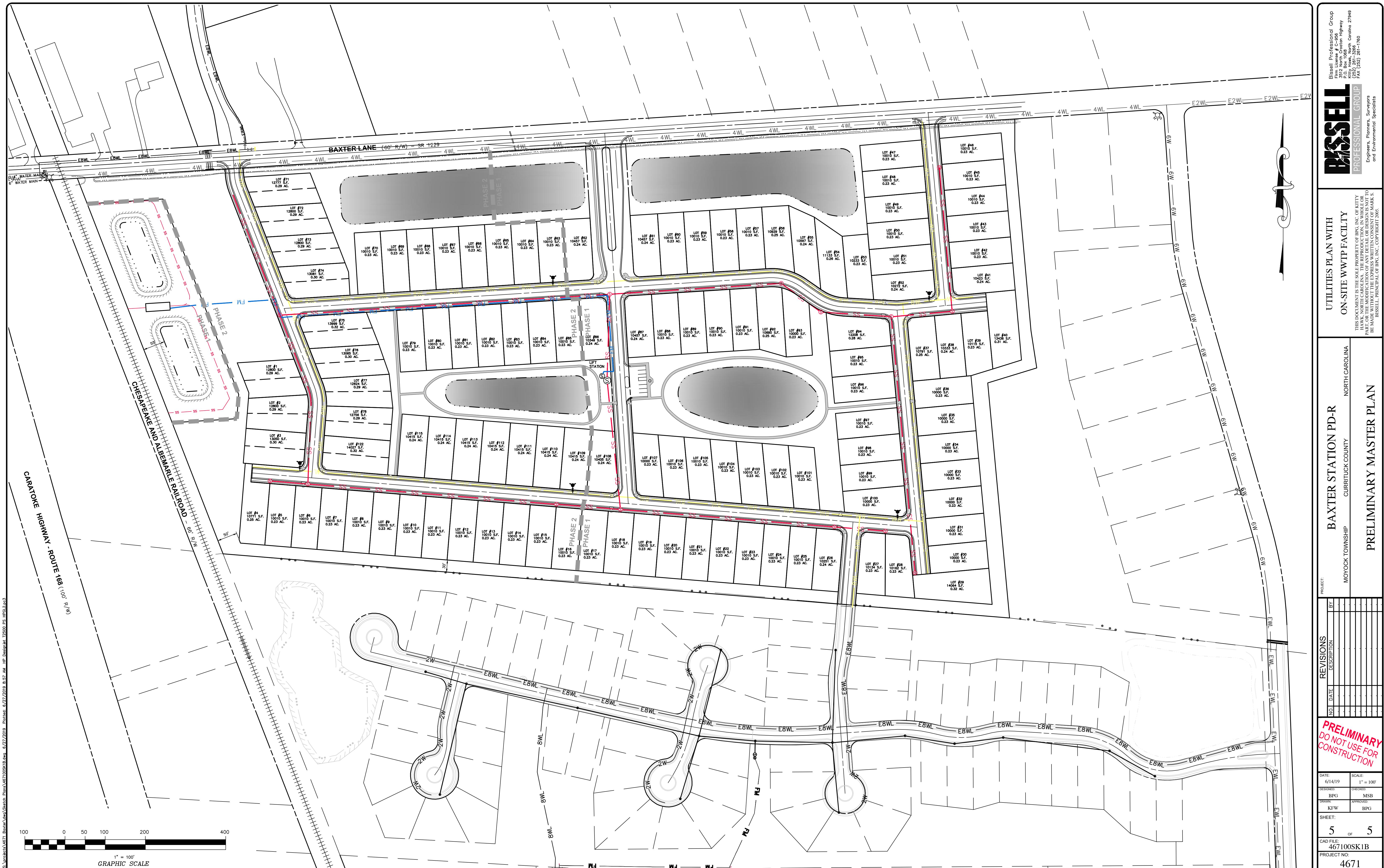


OWNERSHIP CURRITUCK COUNTY

NORTH CAROLINA

PRELIMINARY MASTER PLAN

..b





Currituck County

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

MEMORANDUM

To: Mark Bissell, Bissell Professional Group
 Justin Old, Allied Properties LLC

From: Tammy D. Glave, CZO
 Senior Planner

Date: July 11, 2019

Re: PB 19-17 Baxter Station – Planned Development Request

The following comments have been received for the July 11, 2019 Technical Review Committee meeting. Please provide necessary corrections prior to July 22, 2019 in order to be placed on the August 13, 2019 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comments:

1. Until recently zoning map amendments adopted by the BOC placed emphasis on the Moyock Small Area Plan future land use map classifying this property as Full Service. A recent zoning map amendment, PB 18-23 Fost, effective May 6, 2019, placed emphasis on the 2006 CAMA Land Use Plan. The decision emphasizes the 2006 Land Use Plan as the controlling document and the relation to the UDO dimensional standards for the PDR district signifies a discrepancy between the two plans.
 - a. Planned Development – Residential (PD-R) is not allowed on property with a Rural designation in the 2006 Land Use Plan (UDO Sections 3.7.2.B and 3.7.3). A 2006 Land Use Plan (LUP) map amendment by the Board of Commissioners would be required to change the Rural designation of the property to Full Service. We do agree that “there is no corresponding maximum density for the Rural Service Area”, but that is not an oversite, it is simply not allowed. The UDO restricts density in the Rural Service Area by not allowing a planned development in that classification.
 - b. The PD zoning district designation, the master plan, and the terms and conditions document shall be consistent with the LUP, and any applicable functional plans and small area plans adopted by the county. (UDO Section 3.7.2.E)
 - c. Preferred uses in the Rural classification included *very low density*, dispersed development associated directly with farm uses. Residential dwellings associated with farm activity typically employ on-site water supply (e.g. individual wells) and waste disposal (i.e. septic systems). *Areas meeting this intent of this classification are appropriate for or presently used for agriculture, forestry, and other similar uses.* Population densities are generally very low and *development density is anticipated at no more than 1 unit per 3 acres.* In addition, any

development in the Rural Areas would be served by *individual on-site water and septic*.

2. Schools are at or over the 2021 committed capacity in Moyock in the elementary and high school groups.
3. Compatibility issues with surrounding development are a concern. While lot size may be "identical to those that were recently approved in adjoining neighborhoods", lot size is not the only factor to compare. Among other factors, it is also important to compare densities and the proposed 2.37 units per acre far exceeds those of surrounding developments:
 - a. Hidden Oaks: Density 1.9 units per acre with lot sizes similar to those proposed.
 - b. Baxter Lane Estates: Density .65 units per acre with the average lot size of .98 of an acre.
 - c. 15 Lots "stripped out along Baxter Lane" density: .39 units per acre with an average lot size of 2.66 acres.
4. Revise reference in Conversion Schedule "Duplex lots, if market conditions warrant, maybe converted to conventional single-family dwellings at the rate of 1.5 single-family lots per one duplex." PD-R district allows no more than 85% of a maximum single housing type. At 127 units proposed, 19 would have to remain a different housing type, not all single-family dwellings.
5. The connectivity index score of 1.45 as shown is below the UDO requirement of 1.6 (UDO Section 5.6.4). It is staff's opinion that the connectivity index score cannot be reduced because the developer has not demonstrated that it is not possible to meet the minimum score due to topographic conditions, natural features, existing road configuration, or adjacent existing development patterns. (UDO Section 5.6.4.C) With an undeveloped lot, without any of the above restrictions, the development can be designed to meet the minimum connectivity index score. The purpose and intent of community form standards like the connectivity index score adopted by the Board of Commissioners is to require developments to meet certain minimum standards within communities. A text amendment to the UDO to lower the index score for the PD-R district will be required.
6. Remove all references for off-site wastewater connection from the plan set and Terms and Conditions document since off-site wastewater connection is not available at this time. If off-site wastewater connection is desired and becomes available in the future, an amended application, plan, Terms and Conditions document, etc. is required.
7. It should be noted that the surrounding subdivisions used in comparison by the applicant are zoned Single-Family Mainland (SFM). Staff would support a rezoning from Agricultural (AG) to SFM if all UDO, LUP, and Moyock Small Area Plan standards are met. A LUP map amendment will still be required to change the classification from Rural to Limited or Full Service, but can take place simultaneous with the rezoning. The density allowed will then be compatible with the lots in Baxter Lane Estates and closer to compatible with the lots on the opposite side of Baxter Lane. Staff cannot speak to lot size similarities without knowing the average lot size for this development. The average lot size appears to be approximately 10,600 sf?

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

8. Please call out the easement for future connection for the street stub/sidewalks if not installing to the property line. (UDO Section 5.6.5.B and 5.6.10)
9. Call out 5' non access easements on corner lots on the street with the most traffic. (UDO Section 10.3.3)
10. Call out how pedestrian crossings will be delineated. (UDO Section 5.6.10)

11. Call out the sight triangles for the main entrance. (UDO 10.3.4)
12. Call out the planting easements for street trees.

Recommendations

13. Consider aligning the main entrance to the subdivision with the main entrance of Windswept Pines across Baxter Lane. It is more compatible to align the main subdivision entrance with another main subdivision entrance across the street than with a single-family dwelling across the street, particularly at night.

Currituck County Building and Fire Inspections (Ron Schaecher, 252-232-6024)

Approved with corrections:

Inspection Comments

1. Cluster mail box units must be accessible (accessible route, reach ranges)
2. Accessible routes must be provided to all amenities such as pools, boardwalks, piers, docks and other amenities within the development. Plans must be designed to the 2018 NC Building Code design loads and structures must meet ADA requirements.
3. Curb cuts at vehicular traffic areas and pedestrian crossings must be ADA compliant and have detectable warning devices installed.
4. Soil engineering reports for footings will be required for lots that have fill placed on them where the footings do not rest at a minimum of 12" below grade on undisturbed natural soil. Site preparation, the area within the foundation walls shall have all vegetation, top soil and foreign material removed.
5. Compaction testing will be required for slabs and thickened footing areas that exceed 24" of fill. Fill material shall be free of vegetation and foreign material. The fill shall be compacted to ensure uniform support of the slab, and except where approved, the fill depths shall not exceed 24 inches for clean sand or gravel and 8 inches (203 mm) for earth.
6. Mark fire hydrants locations in the center of road/street with blue reflectors.

Fire Comments

7. Needed Fire Flow for construction is determined by the ISO method.
8. No new construction can occur that creates a Needed Fire Flow greater than the available fire flow on site.
9. Fences/barriers must not impede the fire hydrant access to site.
10. Gates/entrances to sites must be 20' clear width.
11. Fire apparatus must not have to back up on an access road greater than 150' without a turnaround as indicated in appendix D of the NC Fire Code. The backing of 150' should be measured in a straight line.
12. Fire apparatus access must be at least 20' wide 13' 6" in height. Maximum slope shall not exceed 10%.
13. All portions of the fire apparatus access must be capable of 75,000lbs under all weather conditions.
14. By general statute parking is not allowed within 15' of a fire hydrant. (FDC)
15. Mark fire hydrants locations in the center of road/street with blue reflectors.

Subdivisions

16. Fire hydrants must be within 500' of all road frontages.
17. Cul-de-sacs must be 96' in width curb to curb at the center of the cul de sac.
18. Dwellings greater than 4800 sq. ft. and/or greater than 2 stories will be calculated using the ISO commercial method.
19. Dwellings 4800 sq. ft. and no greater than 2 stories may use set-backs as indicated in the ISO method to determine Needed Fire Flow.

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

Reviewed with comment:

1. The ditch along Baxter Lane will be a key component for this project. We are aware of downstream restrictions that may impact proper drainage of this area.

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

Reviewed with comment:

1. GIS will assign addresses during the Preliminary Plat review cycle. Please submit proposed street names for review.

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

Reviewed with comment:

1. The county will be accepting a fee-in-lieu of recreation and park area dedication.

Currituck Soil and Stormwater (Will Creef, 252-232-3360)

Reviewed with comment:

1. A major drainage way (Baxter Lane Ditch) runs down Baxter Lane and outlets to the NW River. This drainage way is responsible for draining Baxter Station and acreage west of 168.

Southern Outer Banks Water System (Benjie Carawan, 252-453-2620)

Reviewed without comment.

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

Reviewed with comment:

1. NOTE: DUE TO PROPOSED SMALL LOT SIZES AND QUESTIONABLE SOIL CONDITIONS FOR SUB-SURFACE WASTEWATER SYSTEMS FOR EACH LOT THAT MAKES UP THIS PROPOSED SUB-DIVISION ; CURRITUCK COUNTY HEALTH DEPT. SUPPORTS CONSULTING ENGINEERS' PROPOSAL TO CONSTRUCT A WASTEWATER PACKAGE PLANT OR CONNECT TO A EXISTING WASTEWATER TREATMENT PLANT IF AVAILABLE TO PROVIDE WASTEWATER TREATMENT AND DISPOSAL FOR PROPOSED LOTS. *CONSULT WITH KEVIN CARVER RS AT 252-232-6603.

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

Reviewed without comment.

US Post Office (Moyock)

Please contact the post office regarding method of mail delivery.

Comments Not Yet Received from:

Currituck County Water Department (Yama Jones, 252-232-2769)

NC Department of Transportation (Caitlin Spear, 252-331-4737)

The following items are necessary for resubmittal:

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

TERMS & CONDITIONS**BAXTER STATION PLANNED DEVELOPMENT**

These Terms & Conditions shall be incorporated into the Master Plan approval for the Baxter Station PD-R:

1. Conditions related to approval of the application for the PD conditional zoning classification:
 - a) Improvements shall be made to the existing Baxter Lane ditch that fronts this property by the Developer as part of the first phase of the development including widening and laying back side slopes and putting the ditch on proper grade.
 - b) The development will be completed in a minimum of two phases, as shown on the Master Plan.
 - c) The development will be connected to a central wastewater treatment and disposal system, either an on-site facility or off-site facility, and to the Currituck County water system. Fire protection will be provided in accordance with the UDO Standards and the N.C. Fire Code.
2. The Master Plan including the density, dimensional standards and development standards that are shown on the Master Plan drawings and in this accompanying document shall be incorporated into the approval and adhered to by the Developer.
3. The housing styles shall conform to the example model home drawings that are and included as an attachment to this document. Variations shall be provided and permitted in colors, materials, and architectural detailing that are compatible with the design concept.
4. Transportation, potable water, wastewater, and stormwater management will be addressed in accordance with the following paragraphs:
 - a) Transportation: Three connections will be made to Baxter Lane. The main entrance will include a deceleration lane. Connectivity will be provided to N. Heritage Tree Manor (Hidden Oaks) to the south.

Roadways will be laid out generally as shown on the Master Plan and will be designed with a curb and gutter section per NCDOT subdivision standards, and will have sidewalks.
 - b) Potable Water: Water will be supplied by Currituck County via an existing 8" main that will be extended along Baxter Lane and will be tapped and looped through the site and connected to an existing main at Hidden Oaks. Fire protection will be provided in accordance with UDO Standards and the applicable ISO standards. The water system will be modeled to demonstrate

adequate flow and pressure for fighting fires while meeting the maximum day domestic demand.

- c) Wastewater: A wastewater collection system will be constructed by the Developer and managed by either Currituck County or a privately owned wastewater utility that will be regulated by the North Carolina Utilities Commission. If off-site wastewater service becomes available (either a new Regional System or Currituck County) the development may connect to one of those utilities, generally as shown on the Master Plan. Land has also been set aside for the construction of a centralized wastewater treatment and disposal facility if it becomes necessary to construct a facility on-site. If so, the facility will be designed and constructed in accordance with NCDEQ Standards and approved by NCDEQ and regulated by the Utilities Commission.
- d) Stormwater Management: An existing major drainage way runs along the edge of Baxter Lane along the frontage of this property, which is in need of improvement. The developer will commit to widening and deepening and laying the slopes back on this ditch to carry an appropriate design storm based on modeling on both on and off-site stormwater that currently flows and will flow thru this ditch section. Those improvements will be completed in connection with the first phase of the Baxter Station development.

On-site stormwater will be managed by constructing a series of stormwater ponds that will be interconnected and retain and slow release stormwater primarily to the Baxter Lane ditch. In addition to modeling and retaining stormwater to the UDO and stormwater model annual standard of the difference between run-off from the 10 year developed condition and run-off from a two year wooded condition site, the stormwater will also be modeled for the 100 year storm event and property line berms constructed as necessary to manage the 100 year storm without adversely impacting neighboring properties.

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

5. Provisions Related to Environmental Protection and Monitoring: There are no wetlands on this site subject to the jurisdiction of the US Army Corps of Engineers, nor is there any vegetation that needs to be protected. The site has been farmed for many years.

The main environmental protection and monitoring that will be associated with this development will be the installation and management of stormwater system, as well as lawn and landscape areas throughout the development.

An Association will be formed that will be responsible for management of these facilities, including the Baxter Lane ditch that runs from the railroad track to the eastern property boundary of the development.

6. Other Provisions: None at this time

TABLE A
DEVELOPMENT STANDARDS & SETBACKS

STYLE:	<u>SIMPLEX</u>	<u>DUPLEX</u>
Min Lot Size:	10,000	12,500
Min. Lot Width:	65'	75'
Typ. Lot Width:	65'	80'
Front Setback:	20'	20'
Side Setback:	10'	10'
Rear Setback:	30'	30'
Corner Side Setback:	20'	20'
Maximum Setback:	N/A	N/A
Maximum Height:	35'	35'
Maximum Bldg. Size:	4,800 SF	4800 SF
Maximum Lot Coverage:	45%	45%

Preliminary Building Elevations

(Actual construction is expected to be similar, though not identical, to these representative housing styles.)



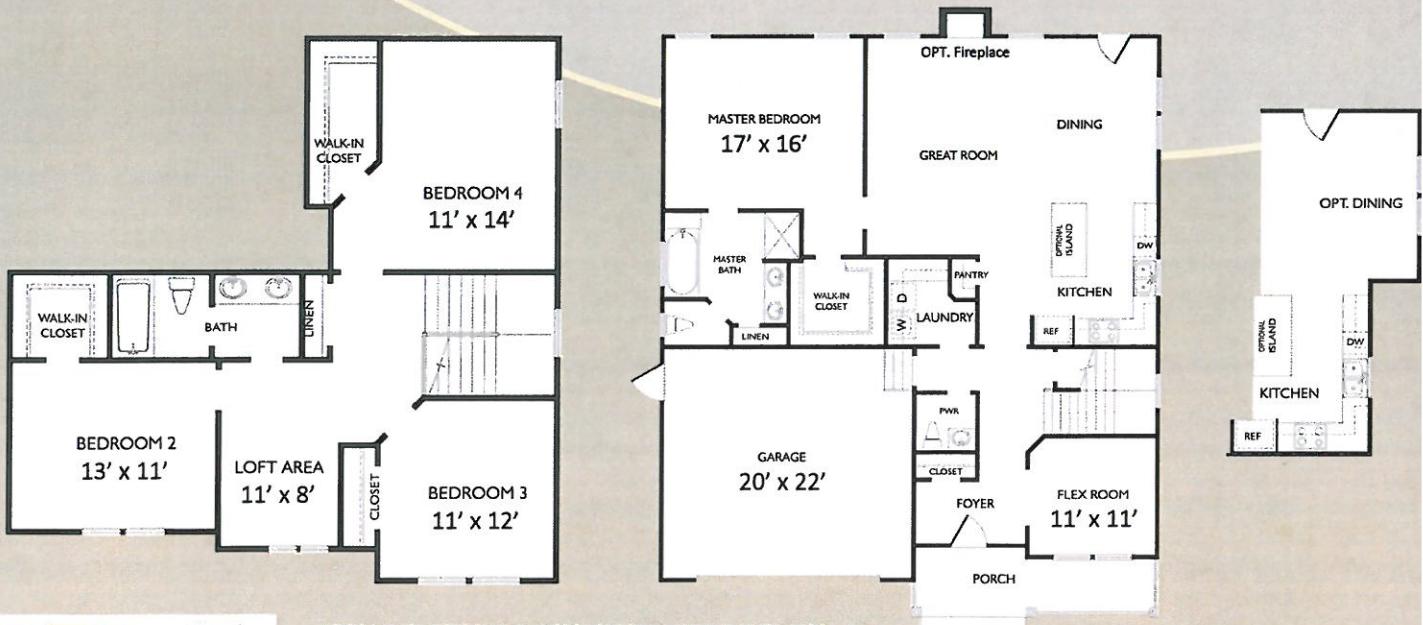
Shown with decorative gable option.



THE BRIGANTINE

First Floor - 1,546 sq.
Second Floor - 809 sq.
Total Heated - 2,355 sq.
Garage - 440 sq.
Dining Room - 55 sq.

Shown with side load garage, craftsman columns and decorative gables.

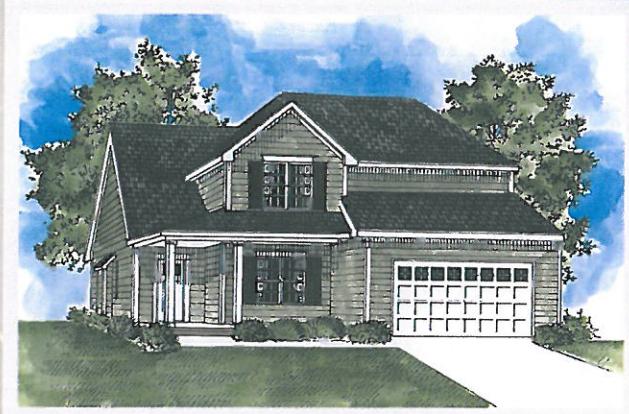


QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.



Standard Elevation



Elevation B

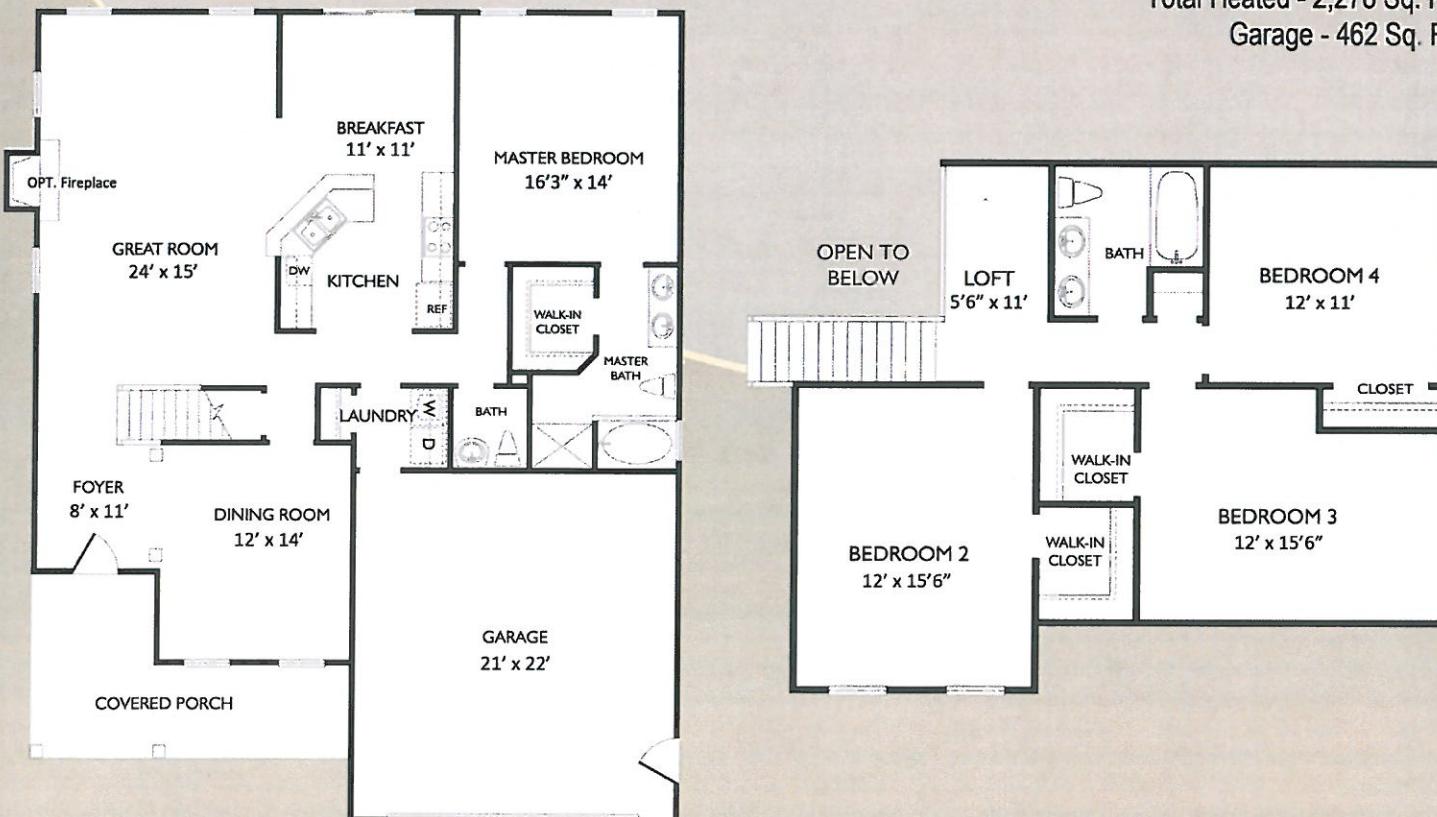
THE MELINA

First floor - 1,494 Sq. Ft.

Second Floor - 784 Sq. Ft.

Total Heated - 2,278 Sq. Ft.

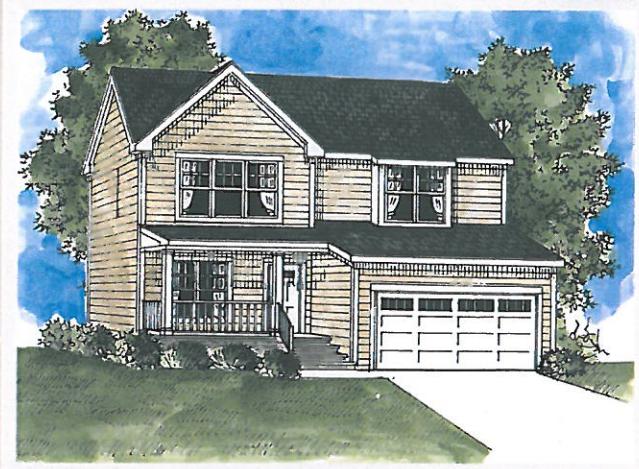
Garage - 462 Sq. Ft.



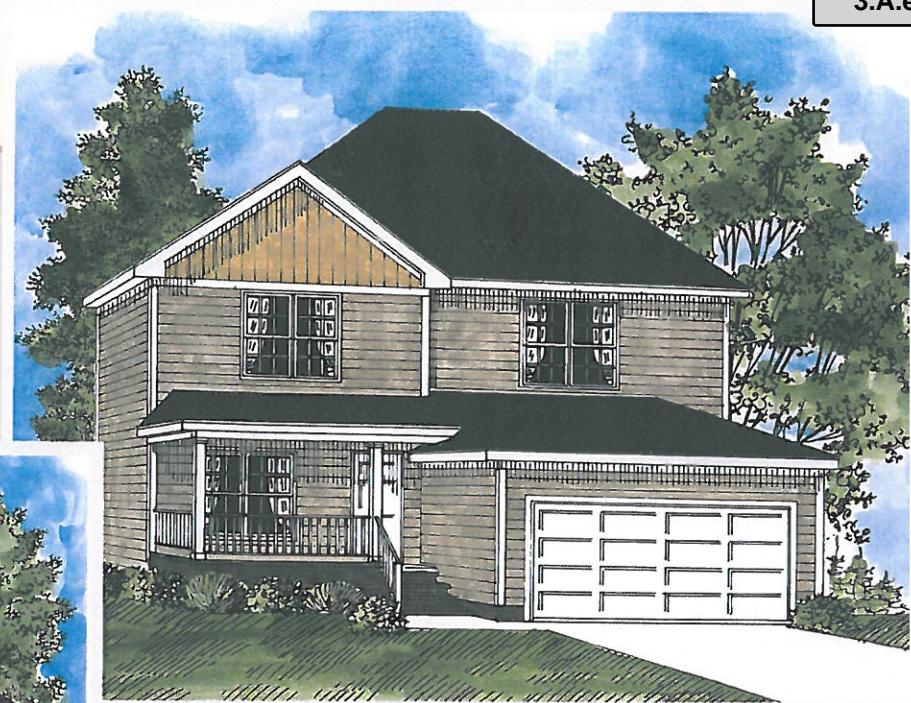
QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.





Elevation B



Shown with decorative gable option.

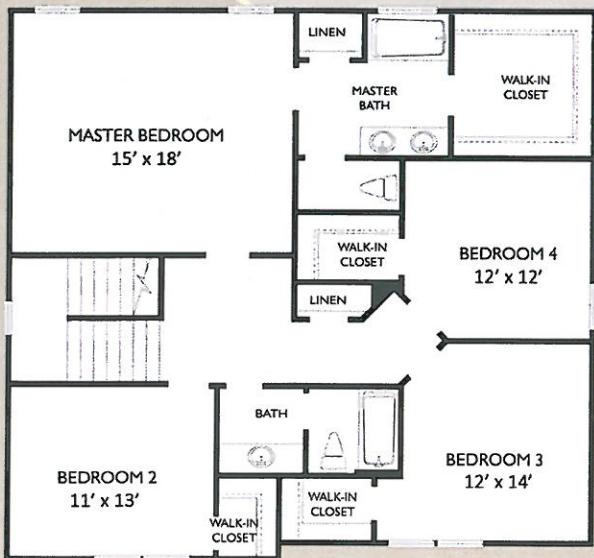
THE AVINGTON

First Floor - 982 sq

Second Floor - 1,262 sq

Total Heated - 2,244 sq

Garage - 440 sq



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.





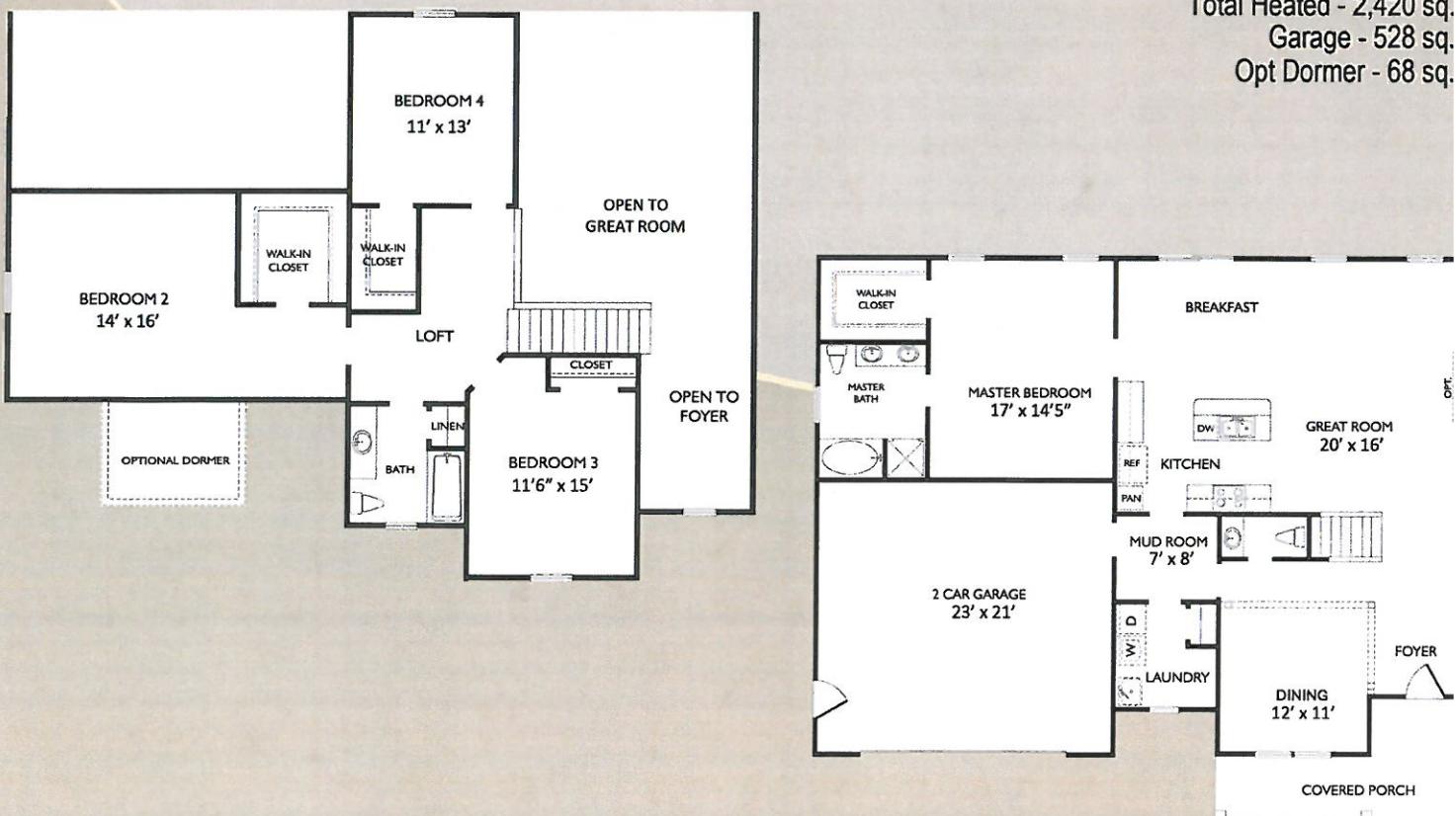
Shown with optional dormer



Elevation B shown with optional dormer

THE ANFIELD

First Floor - 1,493 sq.
 Second Floor - 927 sq.
 Total Heated - 2,420 sq.
 Garage - 528 sq.
 Opt Dormer - 68 sq.



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.





Attachment: 5 Prelim. Bldg. Elevations (PB 19-17 Baxter Station)

CONSISTENCY WITH COMPREHENSIVE PLAN BAXTER STATION

The proposed zoning is from AG to PD-R, with a sketch plan limiting density to approximately 2.58 units per acre. This request is for approximately 53.52 acres along Baxter Lane just off Caratoke Highway to provide new single-family planned development including a duplex section. This request is consistent with the following density and development pattern policies of the 2006 Land Use Plan, Moyock Small Area Plan, and UDO:

1. 2014 Moyock Area Small Area Plan (“MSAP”):

The 2014 MSAP “is used to assist staff and the Board of Commissioners in guiding growth as well as planning for future county improvements to infrastructure and services.” MSAP, p. 1. The plan guidance materials indicate that it was intended to:

“supplement the [2006] Land Use Plan to more specifically address the needs and issues of the [Moyock] study area over the next 10 years. The policies and guidance given in this plan are consistent with the Land Use Plan and other county policies and documents. This plan will establish a new focus for growth and development. The Board of Commissioners and staff will use the SAP to make recommendations about development proposals and other county land use policy decisions. This plan is a vital tool for staff in day to day decision making and in assisting the public with development proposals.”

MSAP, p. 7. The MSAP Future Land Use Map “should be used in conjunction with the entire plan.” MSAP, p. 30. The fact that the site is designated Full Service on the MSAP Future Land Use Map, will have County water available, is located close to 168, and is adjacent to a Full Service Area on the MSAP and 2006 LUP all support the requested density for the site.

The MSAP designates this area as Full Service Area, with densities up to 3 units per acre. This is significant because only several portions of the MSAP include Full Service; the majority of the plan is Rural Area and Conservation Area. MSAP p. 30. The Full Service designations “are focal points in the community where high amounts of activity occur ...[and] ... a broad range of infrastructure and service investments ... will be made available by the public and/or private sectors.” These investments may include centralized water and sewer. MSAP p. 31. “[P]lanned commercial and residential areas with diversity in housing types is preferred. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surrounding land uses.” MSAP p. 31.

Activity centers are located in full service designations, and are anticipated to be destination hubs for activity in the surrounding community. MSAP p. 32. This property is also almost adjacent to the largest Activity Center on the MSAP, the Employment Center, across Hwy 168. This center includes planned corporate parks, and supporting residential use is encouraged.

Policy FLU 1 – promote compatibility between new development and existing development to avoid adverse impacts to the existing community.

Policy CC 1 - Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.

Policy CC 2 - 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.

2. 2006 Currituck County Land Use Plan (“LUP”):

A. Land Use Compatibility Policies

i. **Density:** The project is located within the Rural Area of the LUP, and proposes a maximum density of 2.58 units per acre. The site is across from land zoned MXR and AG to the north, all put to residential, non-agricultural uses. To the west of the site is a General Business zoning designation, which extends along Caratoke Highway. To the east and south the land is zoned and used for residential use, zoned C-MXR and C-SFM. Directly across 168 from the property is an area proposed as G-3 and up to 12 dwelling units per acre.

The density guidance in the LUP is based on assumptions about available infrastructure, existing development patterns, and the presence of environmental features that do not apply to this site in the same way they may apply to Rural sites in general. There are no environmentally sensitive features or factors which suggest preservation of this portion of the development is critical. County water is available to be extended from Baxter Lane.

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre.... Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas. LUP, p. 9-7.

POLICY AG6: For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall

remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes. LUP, p. 9-7.

ii. Development Patterns: This is consistent with the County's approach to development in the Moyock area, which encourages continuation of development patterns instead of abrupt changes, holes, or leapfrogging. It is also consistent with the Board's findings in similar cases approving density in this area of Moyock. The site is also adjacent to commercial uses along 168, which is designated a Full Service Area, and thus is close to the area where more intense development is anticipated.

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl... OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map. LUP, p. 9-7.

POLICY HN4: Currituck County shall discourage all forms of housing from "LEAPFROGGING" INTO THE MIDST OF FARMLAND and rural areas, thereby eroding the agricultural resource base of the county. LUP, p. 9-7.

POLICY AG3: County ACTIONS CONCERNING INFRASTRUCTURE (e.g. schools, parks, and utilities) and regulations shall serve to direct new development first to targeted growth areas near existing settlements identified as Full Service Areas on the Future Land Use Map, rather than "leapfrogging" to locations in the midst of farmland and greenspace identified as Rural and Conservation areas on the Future Land Use Map. LUP, p. 9-6.

POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land. LUP, p. 9-6.

B. Moyock Area Policy Emphasis of the Land Use Plan:

Summary of Area Character: *The Moyock area is the fastest growing part of Currituck County. Development densities currently range from 1 to 3 units per acre depending upon development type.*

Moyock Area Policy Emphasis: *The policy emphasis of this plan is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. Clustered housing developments, with open space required by ordinance, will ... be encouraged. Given the existing development pattern and availability of services, much of the Moyock area is planned as Full Service.* LUP, p. 11-4.

The applicant is proposing on-site stormwater improvements, centralized wastewater treatment with both off-site and on-site treatment alternatives offered, and will connect to County water available on Baxter Lane. The Moyock Area policy consistently references densities at 1 unit per acre minimum, and recognizes that increased density is appropriate where services are available. This is consistent with the 2.58 units per acre proposed.

3. UDO:

- A.** The proposed single-family residential use is designated in the PD-R (Planned Development – Residential) District is intended to encourage “creative design to provide a mix of different residential uses in close proximity to one another on mainland Currituck County, while at the same time providing an efficient use of open space.” UDO Sec. 3.7.3(A).
- B.** This district includes dimensional standards for single-family detached development, including the minimum district area of 50 acres, the maximum housing type, and buffers. UDO Sec. 3.7.3(B). Maximum density is established in the master plan for these districts, and may not exceed 3 units per acre in Full Service areas or 1.5 units per acre for Limited Service areas. There is no corresponding maximum density listed for the Rural Service Area, and thus the UDO does not restrict density in the Rural designated areas of the 2006 Land Use Plan. The proposed density is thus consistent with the UDO.

Baxter Station PD-R

A. Statement of Planning Objectives for the District:

Baxter Station is a 53.52 acre tract of land located on Baxter Lane directly across Caratoke Highway from one of the proposed main entrances to the Currituck Station Mega Site. It is surrounded on three sides by existing residential development and on the fourth side by a railroad tract and commercial frontage on NC 168. The location and setting make it ideal for the development of a residential planned development, with lot sizes mirroring those in the recently developed Hidden Oaks Subdivision directly to the south. There is also an opportunity for an alternative housing type that is not currently available in the Moyock area, which is the duplex development.

The objective of this project is to develop an attractive community of single family and duplex lots with large expanses of open space that provide opportunities for active and passive recreation, and particularly connected by walking paths and multi-use trails. Multiple options are being proposed for wastewater treatment and disposal from this development.

The ways in which these goals and objectives will be achieved is shown graphically on the Master Plan, and is further described in the following paragraphs:

1. Two housing options are proposed, which are attractively designed single-family homes similar to those developed in neighboring Hidden Oaks, and upscale attractive duplex houses.
2. The Community will be pedestrian friendly, with open spaces and greenways connected by sidewalks and multi-use paths. There will be ponds and other large outdoor recreation areas.
3. Details of the Master Plan are shown on the drawings and supplemented by the information included on subsequent pages in this supplemental report, including development acreages, types and land uses, and residential density. Open spaces are also identified with tentative improvements shown.
4. The general location of an onsite wastewater treatment facility is shown, as well as two tentative force main routes for a possible off-site wastewater connection if one becomes available. The off-site wastewater solution is the preferred alternative for this development.
5. An existing 8" water main that runs along Baxter Lane will be extended in front of the property, and will be tapped to provide potable water for the development, generally as shown on the Preliminary Utilities Plan.
6. An overview of stormwater management facilities is provided on the plan, with more details provided in the Terms & Conditions section.

7. Solid waste management will be provided door to door using rollout trash containers.

B. Densities/Intensities

1. The proposed density for this development is 2.37 units per acre for the alternative that includes a wastewater treatment facility, and 2.58 units per acre for the off-site wastewater alternative.
2. The consistency with County plans is addressed in a separate attachment.
3. Compatibility with surrounding areas: The property is surrounded on three sides by existing residential development. To the north are residential lots stripped out on Baxter Lane and the recently developed Windswept Pines Subdivision. To the east is Baxter Lane Estates Subdivision which has been completed recently, and to the south is the Hidden Oaks Subdivision which is nearing completion. Both Hidden Oaks and Baxter Lane Estates have dedicated open space areas adjacent to the proposed development, ranging in width from 50' to more than 200' in width. An additional buffer is being proposed around the periphery of Baxter Lane Estates to increase separation to existing development.

To the west is the Chesapeake and Albemarle railroad and then commercial frontage along Caratoke Highway.

Lot sizes are identical to those that were recently developed in Hidden Oaks, and no land use compatibility issues are anticipated.

C. Development Phasing Plan

The community is proposed to be phased, with 2 phases being proposed for development as shown on the Master Plan drawings. The plan shows water and sewer infrastructure, open space and amenity areas which are associated with each development phase.

D. Conversion Schedule

Duplex lots, if market conditions warrant, maybe converted to conventional single-family dwellings at the rate of 1.5 single-family lots per one duplex lot. Also, if an off-site wastewater facility is utilized, the area set aside for an on-site utility system may be converted to open space so that an additional eleven (11) dwelling units can be developed, as shown on the alternative development plans.

E. Onsite Public Facilities

The developer will design and construct wastewater collection sewers, a pump station, water distribution mains, stormwater management facilities, roadways, sidewalks and multi-use paths throughout this development. These facilities are shown on the Master Plan.

All rights-of-way and easements necessary for the construction, use and ongoing maintenance of these facilities will be dedicated in accordance with applicable county, state and federal regulations.

F. Street Standards

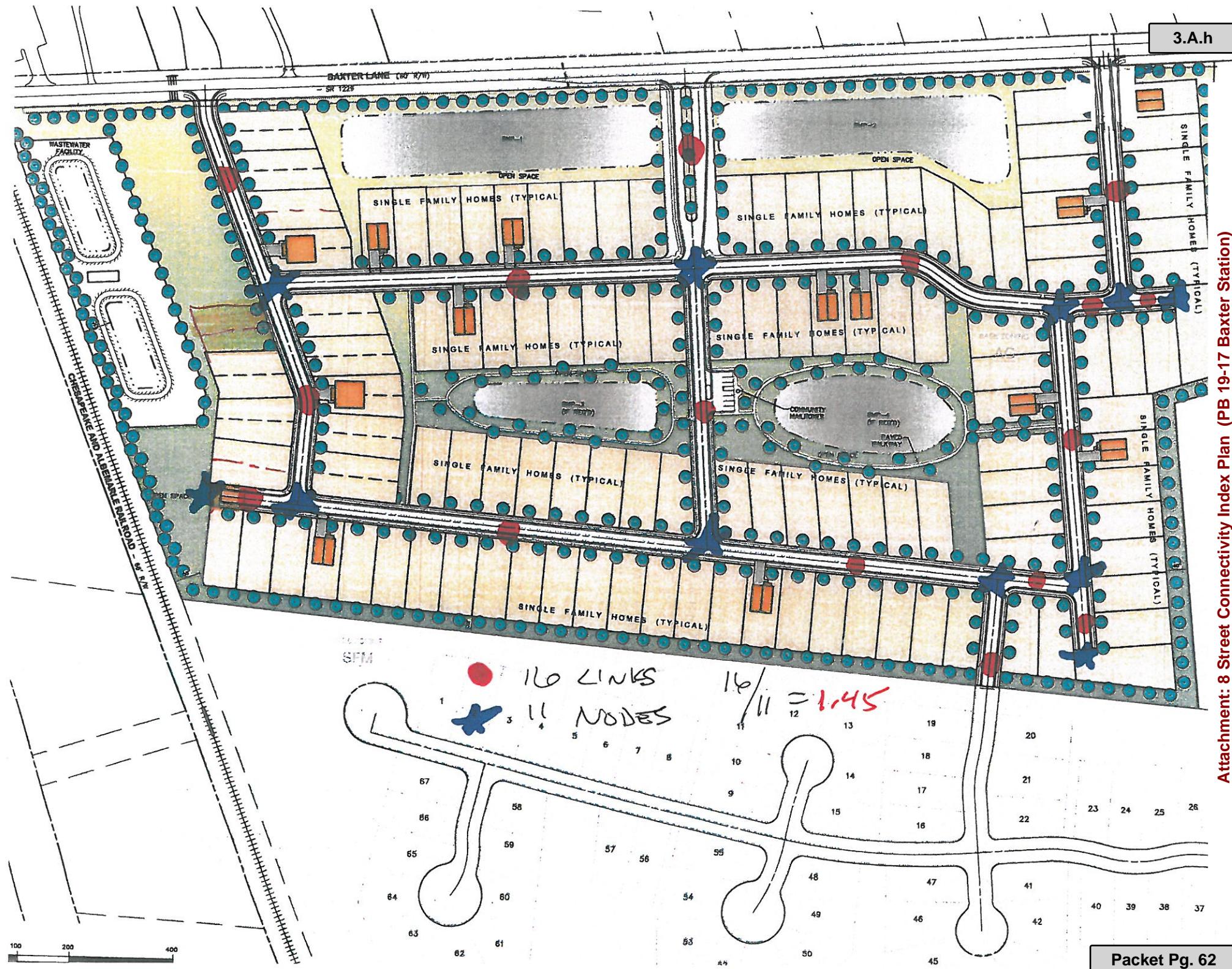
The general street layout is shown on the Master Plan drawing. Pavement widths will be 27 feet from back-of-curb to back-of-curb, per NCDOT standards.

Roadways are being designed to accommodate emergency service vehicles in accordance with applicable standards, including the North Carolina Fire Code.

G. Planned Development Terms & Conditions

A Terms and Conditions document is attached on the following pages.

Attachment: 8 Street Connectivity Index Plan (PB 19-17 Baxter Station)



4671 Baxter Station

Community Meeting Minutes

Monday, April 22, 2019

Scheduled Time/Place: 4:30pm, Moyock Library, Moyock, NC

Meeting Began at 4:35 pm

Attendees: Justin Old, Representing the Developer
Tammy Glave, Representing the Currituck County
Planning and Development Department
Mark Bissell, Representing the Engineering Firm
Nearby Community Residents(please refer to the attached sign-in sheet)

Summary:

An outline of the meeting presentation is attached. The residents were provided an overview of the review and approval process for this type of project, and were provided a description of the main elements of the development plan. A map showing the context of the site as well as the preliminary development plan were presented.

The following comments and concerns were expressed by the Community members, and responses that were given are shown next to each comment below:

Comments from the Community	How Addressed
Traffic is increasing on Baxter Lane. Are there any plans to improve the road?	NCDOT periodically does traffic counts and uses the results to determine when improvements are needed.
A light is needed at the intersection of Baxter Lane and Highway 168.	The road to the West across from Baxter Lane will become one of the main entrances to the Currituck Station according to the County's master plan. It is our understanding that a traffic light will eventually be provided at that intersection, but the timing will be up to NCDOT.
Please make sure there is no drainage impact on Hidden Oaks.	Drainage is being directed to the North toward two large stormwater ponds located adjacent to the canal that runs along Baxter Lane.
There is a drainage issue at the end of the road that will connect to the new development.	There is some standing water now after a rain fall, but that is because the final lift of asphalt has not yet been installed, which should clear up that problem.
How many duplexes will there be?	We are showing 15 lots, or 30 total duplex units on the master plan

What will be the values of the duplexes?	We are anticipating approximately \$225,000 sale price. They will be two-story, upscale units.
What is the build-out schedule?	We anticipate a build-out in approximately three years if market conditions continue to be strong.
Will the tree buffer remain?	The existing tree buffer will remain and we are proposing additional buffer on the Baxter Station side.
Really like the buffer. How wide will it be?	The buffer at Hidden Oaks ranges from 50' to more than 100'. A 50' buffer is being proposed at Baxter Station, so the minimum total buffer should be 100' between lots.
How will the Baxter Lane ditch be improved?	The ditch will be widened, deepened as necessary to put it on a positive grade along Baxter Lane, and then the side slopes laid back at a 3 to 1 slope for ease of future maintenance.
Where will the ponds overflow?	They will overflow directly to the Baxter Lane ditch which runs east to an outlet at Moyock Creek.
We are concerned about traffic on Heritage Tree Manor. Can speed bumps be installed?	We don't believe that NCDOT will allow speed bumps to be installed on what will become a state road. However, we are providing a Tee intersection with a stop sign about 200' into the project.
Houses will be two stories?	Most houses will be two story.
Will there be sidewalks?	There will be sidewalks on both sides of the street as well as a walkway through the central park area.
How will wastewater be handled?	We are planning to put in a pump station and force main to connect to an off-site wastewater treatment plant, either the Moyock treatment plant owned by Currituck County or another plant. The county may also require us to look at an on-site wastewater treatment option.

The main part of the meeting ended at approximately 5:20 PM; several of the community members stayed to look at the maps and further discuss the details of the development, until about 5:45 PM.



Planned Development Application

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

Contact Information

APPLICANT:

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

PROPERTY OWNER:

Name: Jarvis Harvest, LLC
 Address: 701 Blue Point Dr.
Wilmington, NC 28411
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Property Information

Physical Street Address: Baxter Lane, Moyock, NC

Location: Moyock, NC

Parcel Identification Number(s): 0009000025A0000

Total Parcel(s) Acreage: 53.43

Existing Land Use of Property: _____

Request

Current Zoning of Property: _____

Proposed Zoning District

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

Amendments

Amended Master Plan
 Amended Terms and Conditions

Community Meeting

Date Meeting Held: April 22, 2019 Meeting Location: Moyock Library

Planned Development Request

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

By:

Property Owner (s) Charles T. Busby, Manager

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

6/27/19

Date