



CURRITUCK COUNTY NORTH CAROLINA

October 8, 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.

Jennie Turner, Planner II, briefed board members on the rezoning application PB 19-22 Corolla Chapel. Ms. Turner said the rezoning to General Business (GB) to get the 60% lot coverage was needed in order to build an additional wing onto the church.

Tammy Glave, Senior Planner, briefed the board members on the text amendment application PB 19-21 Guy Lunsford to allow development on islands with boat access only. Ms. Glave said text amendments do not normally go to the Technical Review Committee (TRC), but since this amendment concerned public health and safety issues their review was necessary. The TRC recommended denial. Discussion was held comparing this to Oak Island and Ms. Glave disagreed with this comparison. Ms. Krause asked about the property owners paying taxes and not being able to build on it. Ms. Glave said the property owner has been told for many years to contact the Tax Department to let them know it is not buildable and their taxes would drop substantially. Discussion was held on suitable uses for the island and one suggestion was a hunting camp without overnight stay.

Ms. Glave reviewed PB 18-23 Fost Tract amendment to the Planed Development-Residential (PD-R). She presented the summary of changes, unit count, permits and conditions document from the staff's PowerPoint presentation. Discussion was held on changes to the townhomes and joining the streets.

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	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	
Tammy Glave	Planning and Community Development Senior Planner	Present	
Jennie Turner	Planning and Community Development Planner II	Present	
Cheri Elliott	Clerk to the Board	Present	

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

A. Pledge of Allegiance & Moment of Silence

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

B. Ask for Disqualifications

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

C. Announce Quorum Being Met

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

D. Approval of Agenda

Chairman Ballance asked if any changes were needed to tonight's agenda. With no changes noted, he asked for a motion. Mr. Bass motioned to approve the agenda, 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

Chairman Ballance asked if there were any changes needed to the minutes for August 13, 2019. Mr. Doll noted there had been a mistake on the voting results for PB 19-13 Currituck County - Minor Subdivision Text Amendment showing him as aye instead of nay. The Clerk to the Board, Cheri Elliott, said she had made the correction to the minutes prior to tonight's meeting and the published minutes were correct. Chairman Ballance asked for a motion. Mr. Doll motioned to approve. 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 Minutes August 13, 2019

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

A. 19-22 Corolla Chapel Conditional Rezoning:

Jennie Turner presented the staff report. She reviewed slides of the aerial, zoning map, sit plan and said the church would like a fellowship hall added to the building. The current Single Family- Outer Banks (SFO) zoning can only have 30% lot coverage and the proposed zoning to General Business (GB) allows for 60% lot coverage. This coverage is necessary to build the desired addition. The community meeting held on August 19th was in support of the rezoning and the Technical Review Committee (TRC) recommends approval subject to two conditions: 1. Prior to construction of the proposed addition, the applicant shall submit for site plan approval. 2. Additional review by TRC is required if applicant desires to operate a day care center or after school program in the church.

The applicant/ pastor of Corolla Chapel, Jim Southern of 951 North Harbor View in Corolla, came before the board. He said the church gives dinners for international students as an outreach program and Waters Edge School uses the church. He said the increase in size is needed and could be used as a feeding station in times of crisis. Ms. Hilgendorf said she knows the building well since she attends the church.

Chairman Ballance asked for a motion. Ms. Krause motioned to approve with the agreed upon conditions of approval (1-5) found in the staff report. Mr. Bass seconded the motion and the motion carried unanimously.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 11/4/2019 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 19-21 Island Development Text Amendment:

Tammy Glave presented the staff report. She said the purpose of this text amendment is to allow development on islands with boat access only and if approved it would apply countywide to the 21 privately owned islands off of Currituck Mainland. Ms. Glave said Mr. Lunsford is interested in developing the five 10+ acre lots on Long Point, an island in the Coinjock Bay. In 2005 Wayne Meyers submitted a similar text amendment that the Board of Commissioners denied in 2008 for development of the same island. Mr. Lunsford's request was reviewed by the Technical Review Committee (TRC) due to health and safety concerns for citizens. Ms. Glave said the same concerns were held for both applications for the text amendment in 2008 and now. Ms. Glave reviewed the map, site plan, went over the Review Standards and the TRC recommendation of denial from the PowerPoint presentation.

Greg Wills of 6541 Caratoke Highway in Grandy came before the board as legal representation for Mr. and Mrs. Lunsford. He gave background and said the 2008 County Attorney stated there was not any legal liability for the County. He said property owners of the island have been paying taxes since 2007. The island has five lots with 10 acres or more for each and only three lots are buildable. In his opinion, the property owners should be able to build and the County should not be able to stop them for this use. He said in 2005 the Planning Board recommended approval unanimously, but it did not go to the Board of Commissioners. Also, the property owners do not have any dispute having to follow the building standards for the building permits.

Discussion was held over having a staging parking lot for building materials on the mainland. Mr. Wills said the property owners own property on the mainland and could have a parking area there to stage the building materials. Ms. Glave said parking lots are not allowed in a residential area. Mr. Wills said there is a hunt club on the mainland not far from the island and the applicant could lease the parking area to use as a staging area.

Ms. Krause asked about any environmental studies concerning building on the island and Mr. Wills said in 2007-2008 Cama Permits were issued and the Health Department verified that three, 3 bedroom homes could be built. Ms. Glave noted the permits had since expired. Mr. Wills said it would not be a problem getting those permits reissued; also his clients have been paying residential taxes for the island for over 10 years.

Ms. Hilgendorf clarified with Ms. Glave the previous permits that had expired.

Ms. Krause clarified with Ms. Glave that approval of this text amendment would open building on islands countywide.

Chairman Ballance asked for a motion. Mr. Bass motioned to deny because:

The requested zoning text amendment is not consistent with the 2006 Land Use Plan because:

- Policy PP2 of the LUP states that adequate public facilities, sufficient to support associated growth and development must be available. *Firefighting, emergency medical services, etc. will not be available to the island based on TRC comments.*
- Policy ES1 of the LUP states that new development shall be permitted to locate only in areas where suitable soils and adequate infrastructure is available. *For reference, the soils map indicates that Long Point is unsuitable for a septic system and contains Currituck Mucky Peat (CU) and Conaby Muck (CB). These soils types are typical for islands off of the Currituck mainland.*

The request is not reasonable and not in the public interest because:

- Adequate public services (firefighting, emergency medical services, law enforcement, or other county services, etc.) are not available to an island accessible only by boat.

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

RESULT:	RECOMMENDED DENIAL [UNANIMOUS]	Next: 11/4/2019 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	

C. PB 18-23 Fost PD-R, Amended:

Tammy Glave presented the staff report. She said this planned development rezoning had been previously been approved, but now the applicant is requesting an amendment. She reviewed the previously approved plan, went over the Summary of Changes and

Net Unit Count Change and noted the Terms and Conditions document will be corrected. Ms. Glave said the Technical Review Committee is recommending approval.

Mr. Bass asked about connectivity to Ranchland. Ms. Glave said it will not be connected to Ranchland, but will connect to Eagle Creek and the Flora Tract. Mr. Doll asked about the drainage ditch. Ms. Glave said it would have off site drainage and referred the answer to come from Mr. Bissell. Mr. Doll also asked if the developer would be required to improve the drainage and Ms. Glave said they would if they receive approval.

Mr. Bissell came before the board and explained drainage, ditches and clean outs. He said a Ranchland property owner has agreed to have an easement on their property to allow us to clean out the ditch.

Ms. Krause asked how many retention ponds were in the plans and Mr. Bissell said ten. Ms. Krause asked how many easements have to be obtained and Mr. Bissell said around five, but three have already been obtained. Ms. Krause asked about the pipes running under the highway and Mr. Bissell said they will be reducing the amount of water going under the highway due to drainage and retention ponds.

Mr. Doll asked about the town-homes' parking changes and Mr. Bissell said the parking will now be in the front and in the rear of the buildings.

Mr. Bissell reviewed the changes for conditions and the Schedule A changes.

Discussion was held over the developer committing to \$5,000 per year for ten years for drainage maintenance and Mr. Bissell said this is in addition to the Home Owner Association (HOA) fund. Justin Old clarified that there will be a Stormwater Association set up for inside the subdivision and the \$50,000 will be for downstream maintenance. He also said there would be an association board of directors that would manage that money.

Ms. Krause said she does like the idea of the drainage and off site management.

Discussion was held over the reduction in units and Mr. Bissell said the units are being reduced from 513 to 479.

Chairman Ballance asked for a motion and Ms. Krause motioned to approve based on the Technical Review Committee's approval stating the net density is reduced by 37 dwelling units and the drainage and utility requirements in the June 24, 2019 approved order remain unchanged. Mr. Bass seconded the motion and the motion passed 4-1 with Mr. Doll voting nay.

RESULT:	RECOMMENDED APPROVAL [4 TO 1]	Next: 11/4/2019 6:00 PM
AYES:	C. Shay Ballance, Chairman, K. Bryan Bass, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member	
NAYS:	David Doll, Board Member	
ABSENT:	Garry Owens, Vice Chairman, J. Timothy Thomas, Board Member	

ANNOUNCEMENTS

Laurie LoCicero made the following announcements:

A joint work session will be held with the Planning Board and the Board of Commissioners on October 21, 2019 at 4 PM concerning the Currituck Station Pattern Book in the boardroom of the Historic Currituck County Courthouse.

The Dune Ordinance Text Amendment has been withdrawn by the County due to a shoreline stability study. The Board of Commissioners will wait for the results of this study before moving forward with the text amendment.

The mobile wastewater treatment site is in place and we should be able to have some more developments soon.

ADJOURNMENT

Mr. Bass motioned to adjourn the meeting and Mr. Doll seconded the motion. With all board members voting in favor the meeting adjourned at 7:24 PM.



**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	
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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 Agenda Item Summary Sheet

Agenda ID Number – (ID # 2608)

Agenda Item Title

19-22 Corolla Chapel Conditional Rezoning:

Brief Description of Agenda Item:

Request for conditional rezoning of property located at 1136 Corolla Village Road from Single-Family Residential-Outer Banks to Conditional General Business.

Board Action Requested

Action

Person Submitting Agenda Item

Jennie Turner,

Presenter of Agenda Item

Jennie Turner



**STAFF REPORT
PB 19-22 COROLLA CHAPEL
CONDITIONAL ZONING
PLANNING BOARD
OCTOBER 8, 2019**

APPLICATION SUMMARY

Property Owner: John W. Austin Memorial Chapel, Inc. PO Box 64 Corolla, NC 27927	Applicant: James Southern PO Box 64 Corolla, NC 27927
Case Number: 19-22	Application Type: Conditional Rezoning
Parcel Identification Number: 0114-000-0028-0000	Existing Use: Religious institution (Church)
Property Address: 1136 Corolla Village Road	
Land Use Plan Classification: Full Service	Parcel Size (Acres): .985 ac
Corolla Village Small Area Plan Classification: Mixed Use	Zoning History: Property has been zoned residential since 1970
Current Zoning: SFO	Proposed Zoning: Conditional GB

SURROUNDING PARCELS

	Land Use	Zoning
North	Inn (Hotel)	C-GB
South	Retail	GB
East	Utility	GB
West	Residential	SFO

REQUEST

The applicant is requesting a conditional rezoning from SFO (Single Family Residential-Outer Banks) to C-GB (Conditional-General Business). The property is currently used as a church (religious institution). The applicant is proposing the following allowable uses:

- Usual and customary practices of a church including regularly scheduled worship services and community gatherings related to social support (i.e.: memorial services, recognition banquets, support for local charter school)
- Day care center (potential future use)
- After school program (potential future use)

The applicant desires to construct a fellowship hall addition on the north side of the existing church building. Through review of the building permit application, it was determined that the addition will not meet the maximum lot coverage requirement as currently zoned SFO. The SFO zoning district allows 30% lot coverage for this property. The GB zoning district allows 60% lot coverage. The conditional rezoning will allow an increase in lot coverage for construction of the proposed fellowship hall addition and it will specify allowable uses of the property.

COMMUNITY MEETING

A community meeting was held on August 19, 2019. Attendees were in support of the rezoning request.

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Full service within the Corolla subarea. The proposed plan is consistent with the policies of the plan, some of which are:

Policy CD6	Appropriate OFFICE AND INSTITUTIONAL DEVELOPMENT, such as professional offices, small churches, individual medical offices, and the like, shall be encouraged to locate as a transitional land use between residential areas and commercial or industrial activities of higher intensity.
Policy OB5	Currituck County, through its actions and decisions, shall seek to preserve the historic character and heritage of the COROLLA VILLAGE area of the Outer Banks.

COROLLA VILLAGE SMALL AREA PLAN

The Corolla Village Small Area Plan classifies this site as Mixed Use. Areas designated as mixed use are characterized by a diverse mix of land uses including human scale commercial, residential, governmental, recreational and civic uses. The proposed conditional rezoning is consistent with the policies of the plan, some of which are:

Policy LU1	Recognize the uniqueness of the area by maintaining desirable characteristics, such as building style, scale, and architectural features; and by supporting development concepts that foster and promote the character, culture and history of Corolla Village.
Action LU1	In reviewing development applications, promote new development to be constructed in a style similar to the existing look and feel of Corolla Village as well as in keeping with the Outer Banks style architecture.
Policy LU3	Future development should be consistent with the future land use map for Corolla Village.

RECOMMENDATION

Technical Review Committee

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

1. Prior to construction of the proposed addition shown on the conceptual development plan (site plan), the applicant shall submit for site plan approval.
2. If applicant desires to operate a day care center and/or after school program, additional review by the Technical Review Committee is required.

CONSISTENCY AND REASONABLENESS STATEMENT

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

This conditional zoning request is consistent with the 2006 Land Use Plan as well as the Corolla Village Small Area Plan because appropriate institutional development is encouraged to locate as a transitional land use between residential areas and commercial activities of higher intensity; the county seeks to preserve the historic character and heritage of Corolla Village and the proposed development is consistent with the future land use map for Corolla Village.

It is reasonable and in the public interest because it allows the use to continue and be expanded in accordance with the Unified Development Ordinance and it allows for an increase in community service opportunities for the Corolla Chapel.

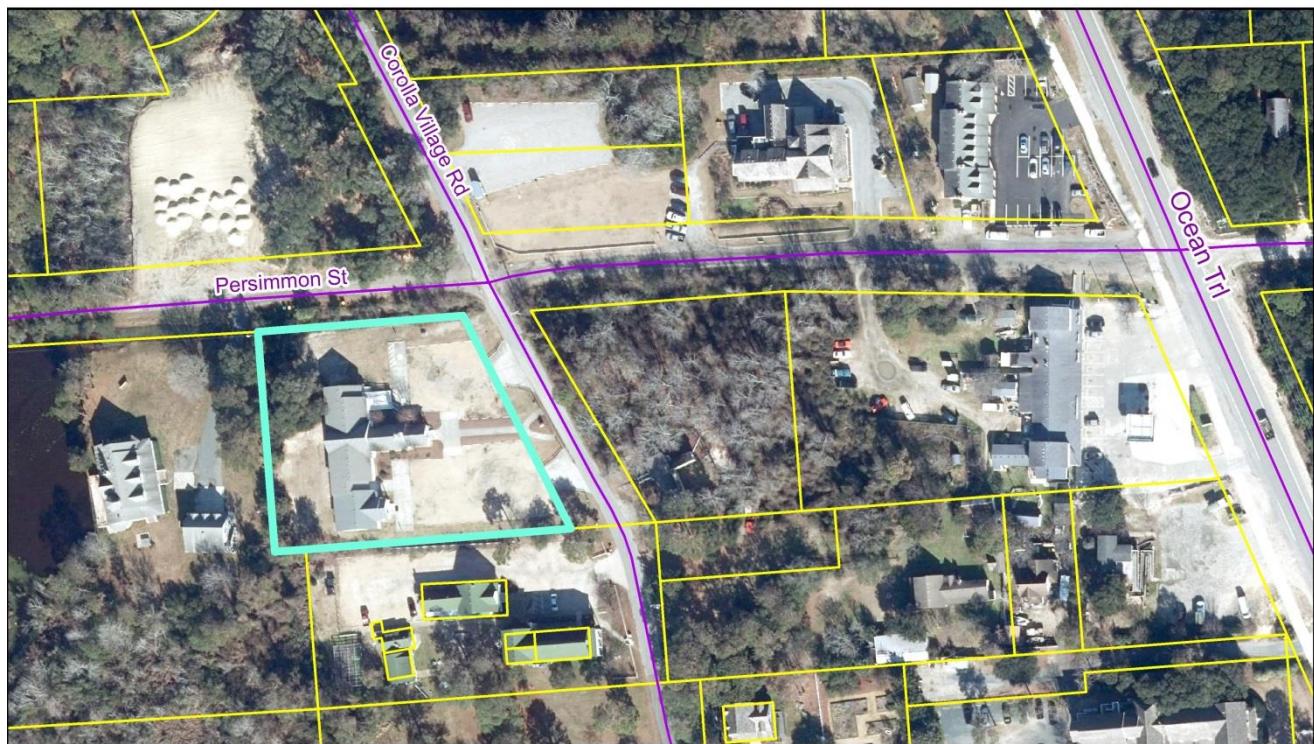
CONDITIONS OF APPROVAL

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

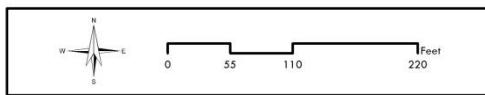
Agreed upon conditions of approval:

1. Allowable uses of the property shall be limited to the Institutional Use Classification Use Types:
 - a. Religious institution (Church)
 - b. Child care center (potential future use)
 - c. After school programs (potential future use)
2. Prior to construction of the proposed addition shown on the conceptual development plan (site plan), the applicant shall submit an application for site plan approval.
3. Future development shall conform to the enclosed conceptual development plan (site plan).
4. The proposed addition shall be constructed per the enclosed architectural renderings to promote a style similar to the existing look and feel of Corolla Village.
5. If applicant desires to operate a day care center and/or after school program, additional review by the Technical Review Committee is required.

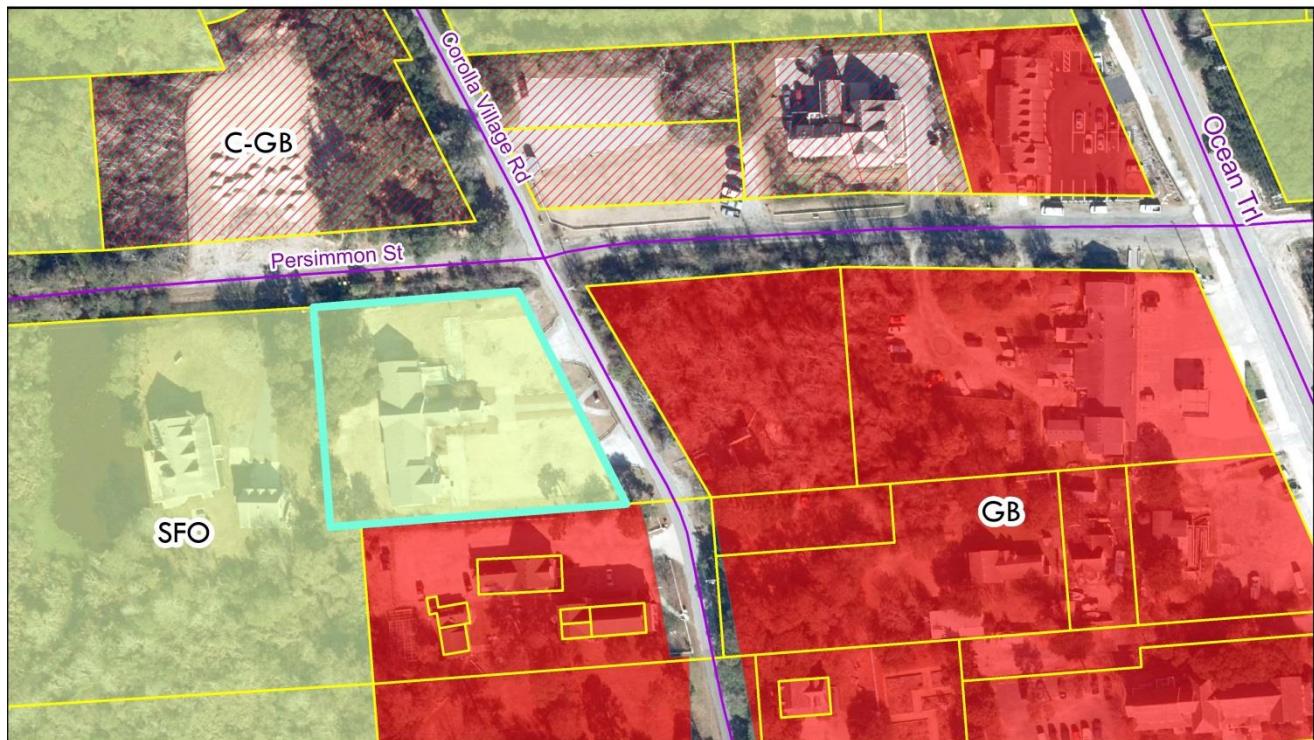
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
 Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



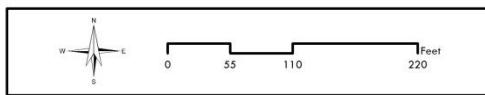
PB 19-22 Corolla Chapel
Conditional Rezoning
Aerial



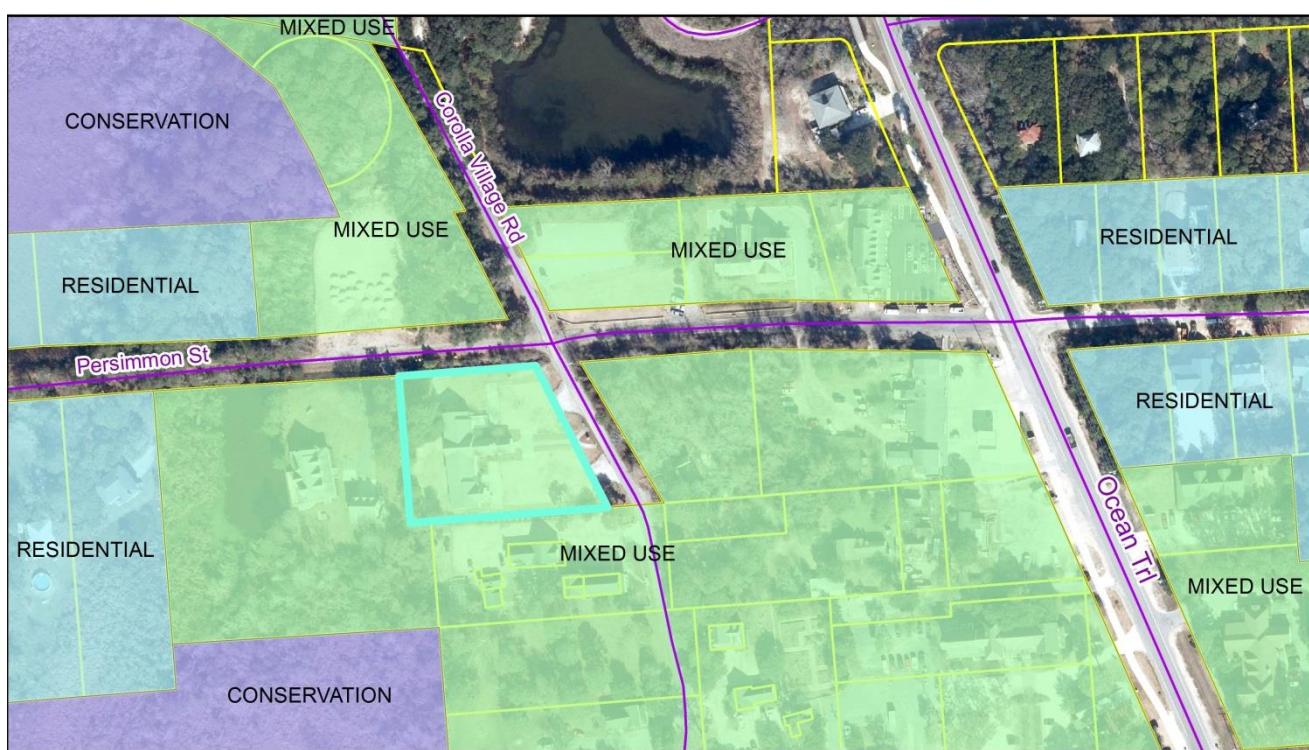
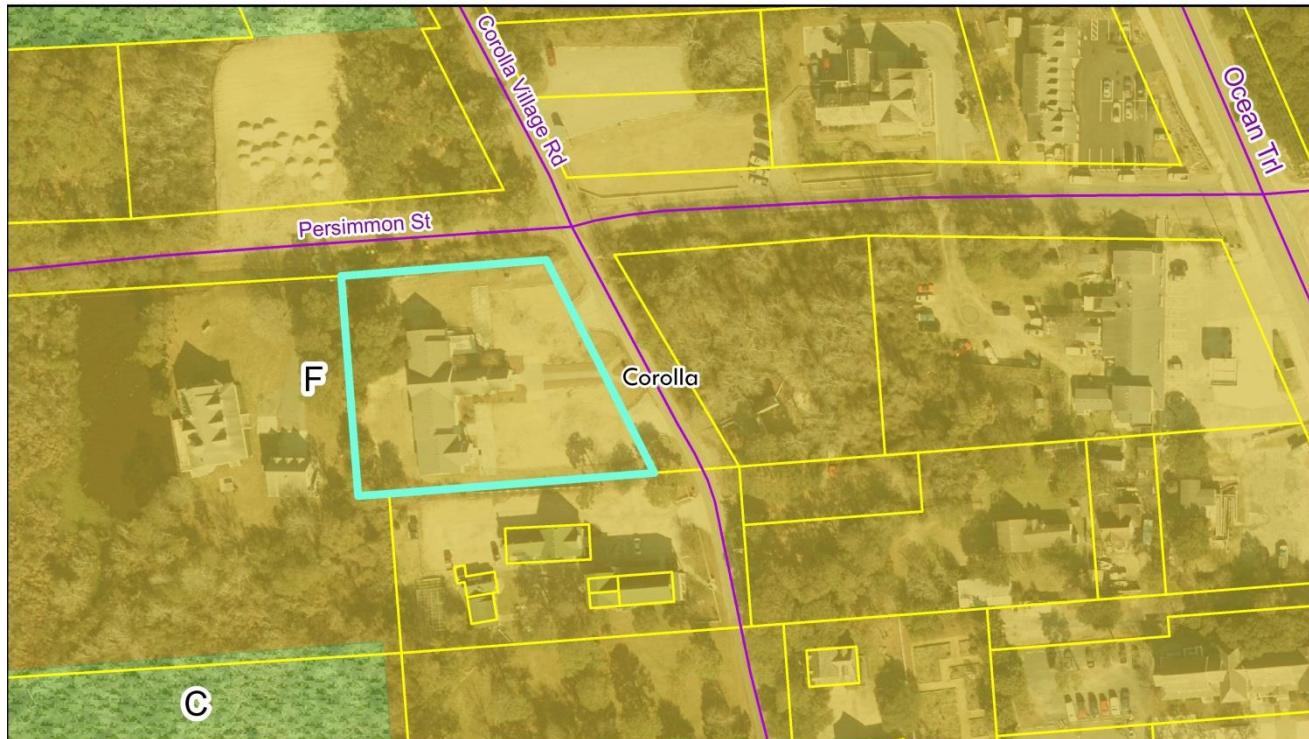
Currituck
County
Planning and Community
Development



PB 19-22 Corolla Chapel
Conditional Rezoning
Official Zoning Map



Currituck
County
Planning and Community
Development





Conditional Rezoning Application

OFFICIAL USE ONLY:
Case Number: 19-22
Date Filed: 8/22/2019
Gate Keeper: J.T.
Amount Paid: \$200.00

Contact Information

APPLICANT:

Name: James SOUTHERN
Address: P.O. Box 64
Corolla, NC 27927
Telephone: 252-423-1432
E-Mail Address: pastor@corollachapel.com

PROPERTY OWNER:

Name: John W. AUSTIN/MEMORIAL Chapel
Address: P.O. Box 64 aka. Corolla Chapel
Corolla, NC 27927
Telephone: 252-453-4224
E-Mail Address: pastor@corollachapel.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: PRESIDENT OF BOARD

Property Information

Physical Street Address: 1136 Corolla Village Road

Location: Corolla N.C.

Parcel Identification Number(s): 011400000280000

Total Parcel(s) Acreage: 42,907 sq ft

Existing Land Use of Property: USED AS A CHURCH

Request

Current Zoning of Property: RESIDENTIAL
SFD

Proposed Zoning District: CONDITIONAL USE
CB

Community Meeting

Date Meeting Held: 8-19-19

Meeting Location: Corolla Chapel

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

The undersigned respectfully requests that, pursuant to the Unified Development Ordinance, a conditional zoning district be approved for the following use(s) and subject to the following condition(s):

Proposed Use(s):

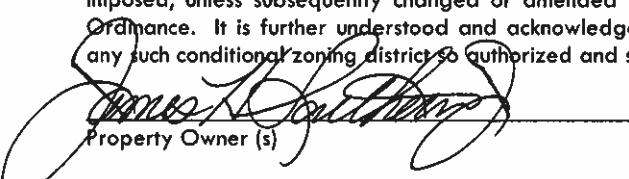
USUAL AND CUSTOMARY PRACTICES OF A CHURCH
Regularly scheduled worship services - potential day care
- potential after school program - community gatherings
related to social support, i.e. memorial services, recognition
Banquets, Support for Local Charter school

Proposed Zoning Condition(s):

An application has been duly filed requesting that the property involved with this application be rezoned from:

Residential to: Conditional Use

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


 Property Owner(s)

8-21-19
 Date

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

Conditional Rezoning Submittal Checklist

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

Conditional Rezoning

Submittal Checklist

Date Received: 8/22/19

TRC Date: 9/11/2019

Project Name: Corolla Chapel

Applicant/Property Owner: James Southern

Conditional Rezoning Submittal Checklist

1	Complete Conditional Rezoning application	<input checked="" type="checkbox"/>
2	Application fee (\$200 plus \$5 for each acre or part thereof)	<input checked="" type="checkbox"/>
3	Community meeting written summary	<input checked="" type="checkbox"/>
4	Conceptual development plan	<input checked="" type="checkbox"/>
5	Architectural drawings and/or sketches of the proposed structures.	<input checked="" type="checkbox"/>
6	2 copies of plans	<input checked="" type="checkbox"/>
7	2 hard copies of ALL documents	<input checked="" type="checkbox"/>
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	<input checked="" type="checkbox"/>

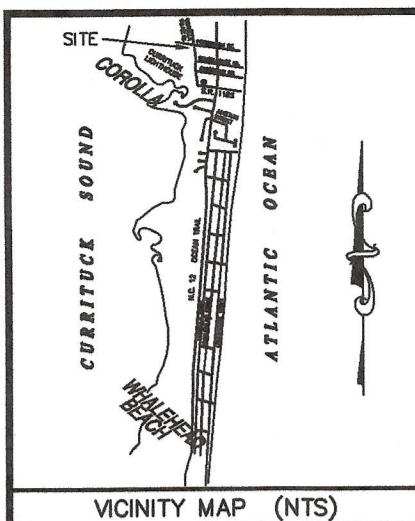
For Staff Only

Pre-application Conference

Pre-application Conference was held on 8/2/19 and the following people were present:

Jennie Turner, James Southern, Ed Peace

Comments



NOTES:

1. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
2. AREA BY COORDINATE COMPUTATION = 42,907 S.F.
3. F.I.R.M. ZONE: "AE" (B.F.E.: 5.0') (PER F.I.R.M.) + 1' FREEBOARD
4. PIN NO.: 011400000280000
5. RECORDED REFERENCE: D.B. 1092, PG. 147
6. MINIMUM BUILDING LINES (MBL) SHOWN HEREON ARE PER THE CURRENT LOCAL ZONING REGULATIONS. OTHER SETBACKS AND/OR RESTRICTIONS MAY APPLY AND MUST BE VERIFIED PRIOR TO CONSTRUCTION.
7. ELEVATIONS (NAVD 1988):
HIGH GROUND @ BUILDING = 5.0'
LOW GROUND @ BUILDING = 3.1'
FIRST FLOOR = 7.41'
UTILITY/STORAGE ROOM = N/A
8. PROPOSED LOT COVERAGE: 22,175 S.F. (51.7%)

M.B. 2, PG. 89

CONCEPTUAL DEVELOPMENT PLAN

N/F
LITTLE HAWK, LLC
(D.B. 1433, PG. 204)

LEGEND

- - EX. 1" PINCH PIPE
- - EX. 1/2" REBAR
- - CALCULATED POINT
- - EX. 4" X 4" CONC. MON.
- - ABANDONED TEMP. METER POST
- ▲ - EX. P/K NAIL
- △ - P/K NAIL SET
- ⊗ - EX. 1" OPEN PIPE
- ☒ - WATER METER
- ⊕ - PHONE PEDESTAL
- ◎ - C.A.T.V.
- ⊖ - UTILITY POLE
- - GUY WIRE
- - FIRE HYDRANT
- - ELECT. TRANS.

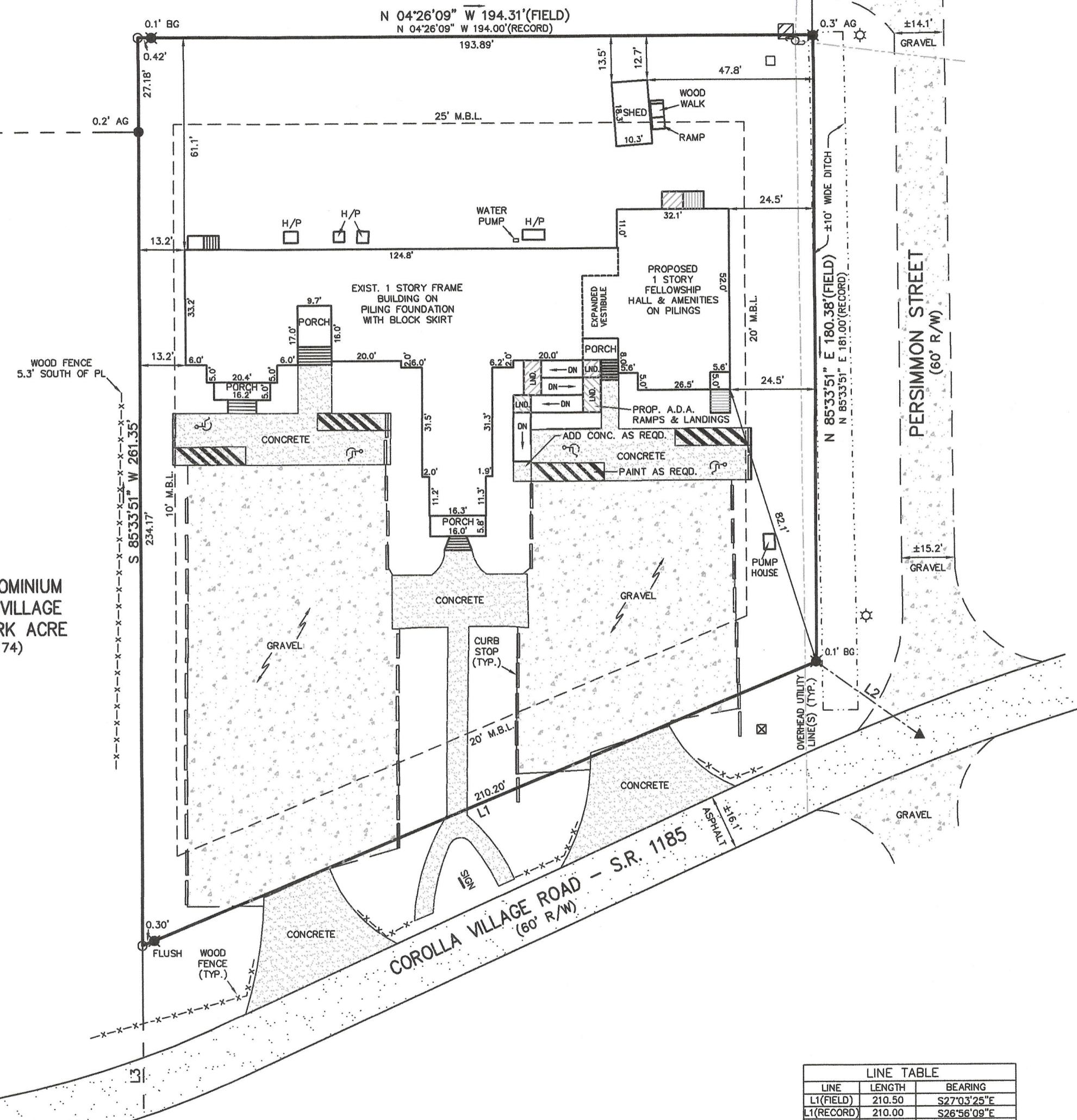
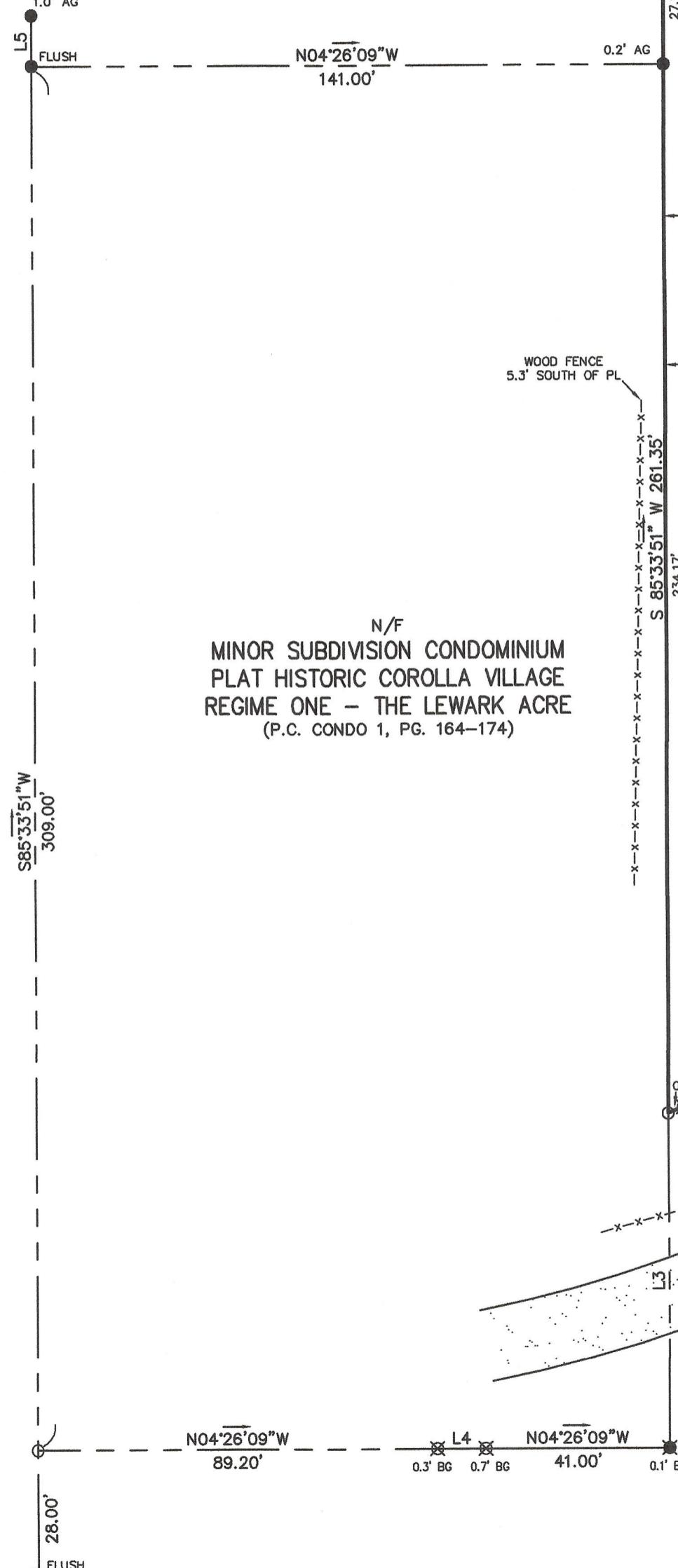
AG - ABOVE GRADE
 BG - BELOW GRADE
 PL - PROPERTY LINE



N/F
MINOR SUBDIVISION CONDOMINIUM
PLAT HISTORIC COROLLA VILLAGE
REGIME ONE - THE LEWARK ACRE
(P.C. CONDO 1, PG. 164-174)

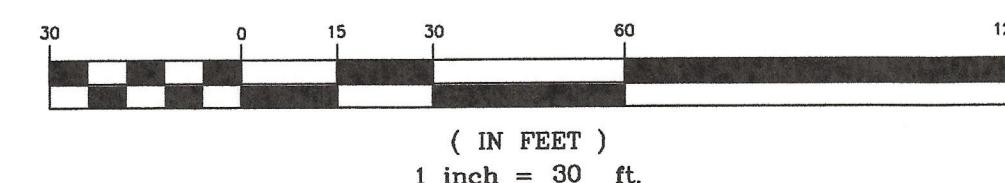
I, MANSON RAY MEEKINS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER
MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION
(DEED DESCRIPTION RECORDED IN BOOK 1092, PAGE 147);
THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM
(DEED DESCRIPTION RECORDED IN BOOK , PAGE);
THAT THE RATIO OF PRECISION AS CALCULATED IS 1/10,000+; THAT THIS
PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR
LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
THIS 19TH DAY OF SEPTEMBER 2019


W. J. Mar
SURVEYOR L-2592



LINE TABLE		
LINE	LENGTH	BEARING
L1(FIELD)	210.50	S27°03'25"E
L1(RECORD)	210.00	S26°56'09"E
L2	36.42	S31°09'47"W
L3	74.83	S85°33'51"W
L4	10.80	N04°26'09"W
L5	14.77	N05°17'15"E

GRAPHIC SCALE



JOHN W. AUSTIN MEMORIAL CHAPEL, INC.	
1136 COROLLA VILLAGE ROAD – COROLLA POPLAR BRANCH TOWNSHIP – CURRITUCK COUNTY – NORTH CAROLINA	
Seaboard Surveying & Planning, Inc. C-1536 103 W. WOOD HILL DRIVE – UNIT F P.O. BOX 58 NAGS HEAD, N.C. 27959 252-480-9998	
FILE NO.:	1808174
SURVEYED:	05/31/18 CE
DRAWN:	06/15/18 TG
CHECKED:	06/15/18 MRM
SCALE:	1" = 30'
SHEET 1 NO. 1	
OF	SHEETS

COROLLA CHAPEL ADDITION

1136 COROLLA VILLAGE ROAD, COROLLA, NORTH CAROLINA

BEACON
ARCHITECTURE + DESIGN, P.L.L.C.
P.O. BOX 1827
KITTY HAWK, NC 27949
PH: (252) 441-6767, FAX (252) 261-6045

STRUCTURAL ENGINEER:
HOUSE
ENGINEERING, P.C.
P.O. BOX 466
KITTY HAWK, NC 27949
OFFICE: 252-261-3283
FAX: 252-261-3283

ENGINEERS SEAL APPLIES ONLY TO STRUCTURAL COMPONENTS.
DEVIATIONS AND/OR DISCREPANCIES ON PLANS NEED TO BE BROUGHT
TO THE IMMEDIATE ATTENTION OF HOUSE ENGINEERING, P.C. FAILURE
TO DO SO WILL VOID HOUSE ENGINEERING, P.C.'S LIABILITY.

GENERAL NOTES

- THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY ERROR, OMISSION, DEFECT OR DEFICIENCY IN THE CONTRACT DOCUMENTS ("ERROR") PREPARED BY THE ARCHITECT OR ITS CONSULTANTS WHICH IN ANY WAY IMPACTS THE SCHEDULE OF THE PROJECT, RESULTS IN A LACK OF COORDINATION AMONG THE CONTRACT DOCUMENTS, DELAYS THE COMPLETION OF THE PROJECT OR WHICH IN ANY OTHER WAY CAUSES ANY DAMAGE OR LOSS TO THE OWNER, CONTRACTOR, SUBCONTRACTORS, OR OTHER ENTITY INVOLVED IN THE PROJECT UNLESS: (1) THE ARCHITECT IS PROMPTLY NOTIFIED OF SUCH ERROR, IN ANY EVENT WITHIN 14 DAYS OF THE DATE SUCH ERROR WAS DISCOVERED OR COULD REASONABLY HAVE BEEN DISCOVERED; AND (2) THE ARCHITECT IS GIVEN OPPORTUNITY AT THE TIME OF DISCOVERY TO ADDRESS SUCH ERROR, AND IF APPROPRIATE, TAKE SUCH STEPS AS ARE NECESSARY TO CORRECT AND RESOLVE IT. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH SHALL CONSTITUTE A WAIVER OF ANY CLAIM FOR DAMAGES, OR A RIGHT TO OFFSET AGAINST THE ARCHITECT BY OWNER, CONTRACTOR OR OTHERS AND SHALL IN NO EVENT CAUSE OR ALLOW A REDUCTION IN THE FEES OTHERWISE DUE THE ARCHITECT FOR SERVICES PROVIDED ON THE PROJECT.
- THE ARCHITECT IS NOT RESPONSIBLE FOR ANY DAMAGES CAUSED BY OMISSIONS OR INACCURACIES OF SITE INFORMATION, INCLUDING BUT NOT LIMITED TO EASEMENTS, SETBACKS, METES AND BOUNDS, TITLE OWNERSHIP, FLOOD ZONE DESIGNATIONS AND CAMA REQUIREMENTS, PROVIDED BY THE CLIENT, TAX MAPS, SURVEYORS AND/OR ENGINEERS.
- ALL PARTIES ACKNOWLEDGE AND AGREE THAT ALL DESIGNS ARE THE SOLE PROPERTY OF THE ARCHITECT. THIS AGREEMENT IS FOR A SINGLE LICENSED USE OF PLANS. ANY USE OF PLANS, OTHER THAN THE LIMITED LICENCE PROVIDED IN THIS PARAGRAPH IS NOT PERMITTED WITHOUT PRIOR WRITTEN CONSENT OF ARCHITECT. CLIENT SHALL PAY ARCHITECT FOR ANY REVISION WORK MADE TO DRAWINGS FOR REUSE AT AN HOURLY RATE DETERMINED BY THE ARCHITECT. ARCHITECT SHALL HAVE THE RIGHT TO INCLUDE PHOTOGRAPHIC OR ARTISTIC REPRESENTATIONS OF THE PROJECT AMONG THE ARCHITECT'S PROMOTIONAL AND PROFESSIONAL MATERIALS (INCLUDING WITHOUT LIMITATION ARCHITECT'S WEBSITE).
- THE ARCHITECT IS NOT RESPONSIBLE FOR MEANS, METHODS OR TECHNIQUES IN THE CONSTRUCTION OF THIS PROJECT.

APPENDIX B

PROJECT INFO		NAME OF PROJECT	COROLLA CHAPEL ADDITION
ADDRESS	PROPOSED USE	1136 COROLLA VILLAGE ROAD, COROLLA, NC	
OWNER REPRESENTATIVE	CODE ENFORCEMENT	ASSEMBLY (A-3)- COMMUNITY HALL BERNIE MANCUSO, MANCUSO DEVELOPMENT CURRITUCK COUNTY	

LEAD DESIGN PROFESSIONAL BEACON ARCHITECTURE AND DESIGN, PLLC

DESIGNER	FIRM	NAME	LICENSE #	TELEPHONE #
ARCHITECTURAL	BEACON ARCHITECTURE + DESIGN, P.L.L.C.	CHRISTOPHER NASON	51585	(252) 441-6767
CIVIL	HOUSE ENGINEERING	RICK HOUSE	24740	(252) 261-8253
ELECTRICAL	HICKMAN AMBROSE, INC.	SCOTT E. HICKMAN	15097	(757) 420-3595
PLUMBING	HICKMAN AMBROSE, INC.	SCOTT E. HICKMAN	15097	(757) 420-3595
MECHANICAL	HICKMAN AMBROSE, INC.	SCOTT E. HICKMAN	15097	(757) 420-3595
STRUCTURAL	HOUSE ENGINEERING	RICK HOUSE	24740	(252) 261-8253
SPRINKLERS	N/A	N/A	N/A	N/A

YEAR EDITION OF CODE 2018 NORTH CAROLINA BUILDING CODE (NCBC)

BUILDING DATA	NATURE OF WORK	ADDITION TO AN EXISTING CHURCH FOR GATHERING SPACE
CONSTRUCTED	ORIGINAL USE	ORIGINAL CONSTRUCTION DATE UNKNOWN
PROPOSED USE	ASSEMBLY (A-3)	ASSEMBLY (A-3)
CONSTRUCTION TYPE	VB	VB
SPRINKLERS	NO	NO
STANDPIPES	NO	NO
BUILDING HEIGHT	NEW ADDITION DOES NOT EXCEED THE HEIGHT OF THE EXISTING STRUCTURE, SEE BLDG SECTIONS	
MEZANINE	NO	
HIGH RISE	NO	
SCOPE OF WORK	1,867 NEW SQUARE FEET (NEW FIRE AREA) 4,731 EXISTING SQUARE FEET (ORIGINAL FIRE AREA) 6,598 TOTAL SQUARE FEET (IN TWO FIRE AREAS)	

SPRINKLERS THE EXISTING CHURCH DOES NOT HAVE SPRINKLERS AND NONE ARE REQUIRED FOR THE NEW SCOPE OF WORK SINCE THE OCCUPANT LOAD IS LESS THAN 300 OCCUPANTS FOR THE NEW ADDITION AND IT IS A SEPARATE USE (DISTINCT FIRE AREA) FROM THE ORIGINAL CHURCH. BOTH EXISTING AND NEW FIRE AREA ARE LOCATED ON THE LEVEL OF EXIT DISCHARGE.

ALLOWABLE AREA PRIMARY OCCUPANCY ASSEMBLY (A-3)
ALLOWABLE AREA/STORY* 1/6,000 SF
ACTUAL BUILDING AREA LARGEST FIRE AREA IS THE EXISTING CHURCH AT 4,731 SF

* INCREASE DUE TO SPRINKLERS NOT APPLICABLE NOR REQUIRED

ALLOWABLE HEIGHT TYPE OF CONSTRUCTION VB
ALLOWABLE BUILDING HEIGHT 40 FEET
ACTUAL BUILDING HEIGHT NEW ADDITION DOES NOT EXCEED 31 FEET, EXISTING TO REMAIN

LIFE SAFETY SYSTEM REQUIREMENTS EMERGENCY LIGHTING YES
EXIT SIGNS YES
FIRE ALARM YES- NEW FIRE ALARM PROPOSED
SMOKE DETECTION SYSTEMS YES
PANIC HARDWARE YES- REQUIRED

ELEVATOR NOT REQUIRED
A NEW HANDICAPPED RAMP IS PROPOSED AS PART OF THE SCOPE OF NEW WORK

FIRE PROTECTION REQUIREMENTS FIRE SEPARATION DISTANCE EXISTING TO REMAIN UNCHANGED
STRUCTURAL FRAME SEE ELECTRICAL ENGINEERING DRAWINGS FOR MORE INFORMATION.
BEARING WALLS SEE MECHANICAL ENGINEERING DRAWINGS FOR MORE INFORMATION.

EXTERIOR 0 HR
INTERIOR 0 HR
NON-BEARING WALLS 0 HR
EXTERIOR 0 HR
INTERIOR 0 HR
FLOOR 0 HR
ROOF 0 HR
CORRIDOR SEPARATION EXISTING TO REMAIN
FIRE AREA SEPARATION 2 HR- SEE D1.1 FOR WALL ASSEMBLIES

EXIT REQUIREMENTS

NUMBER AND ARRANGEMENT OF EXITS (SINGLE STORY ADDITION)

FLOOR, ROOM OR SPACE DESIGNATION	MIN. NUMBER OF EXITS	TD / CPOT*	ARRANGEMENT MEANS OF EGRESS		
REQUIRED	SHOWN	ALLOWABLE	ACTUAL	REQUIRED DISTANCE	ACTUAL DISTANCE
NEW STORAGE	1	1	75'	62'-4" MAX.	N/A
NEW PANTRY	1	1	75'	13'-7" MAX.	N/A
NEW KITCHEN	1	3	75'	27'-8" MAX.	N/A
NEW FELLOWSHIP HALL	2	3	200'	54'-1" MAX. 42'-0"/2=21'-0" MIN.	34'-3" MIN.
NEW MEN'S TOILET	1	1	75'	62'-10" MAX.	N/A
NEW WOMEN'S TOILET	1	1	75'	51'-2" MAX.	N/A

* TRAVEL DISTANCE FOR SPACES WITH NO SPRINKLERS AND TWO MEANS OF EGRESS IS 200'. THE COMMON PATH OF TRAVEL FOR AN ASSEMBLY SPACE SHALL NOT BE MORE THAN 75'.

EXIT WIDTH

NEW ADDITION: FLOOR, ROOM OR SPACE DESIGNATION	(a)	(b)	STAIRWAYS (IN/OC)	REQUIRED WIDTH	EGRESS WIDTH (IN/OC)	REQUIRED WIDTH	ACTUAL WIDTH
NEW STORAGE	44	300 G	0.1	N/A	0.2	0.1"	36"
NEW PANTRY	43	300 G	0.1	N/A	0.2	0.1"	36"
NEW KITCHEN	370	200 G	1.8	N/A	0.2	0.3"	108"
NEW FELLOWSHIP HALL	982	7 N	140.2	N/A	0.2	28.0"	144"
			TOTAL OCCUPANTS	142.2 (143 OCC.S)	N/A		28.5"

VESTIBULE EGRESS NOTE:
FOR THE EXPANDED VESTIBULE SPACE, THE EXISTING SANCTUARY AND THE NEW ADDITION BOTH UTILIZE THIS SPACE FOR EGRESS. IN CONVERSATIONS WITH THE OWNER AND BUILDING OFFICIAL ON SITE, THE EXISTING SANCTUARY AND NEW FELLOWSHIP HALL ARE NOT INTENDED TO BE USED SIMULTANEOUSLY AND OCCUPANTS OF ONE SPACE WILL MOVE FROM THE EXISTING SANCTUARY TO THE NEW FELLOWSHIP HALL AFTER SERVICES ARE COMPLETED. ADDED TO THE OCCUPANT LOAD OF THE EXISTING SANCTUARY ONLY IS REQUIRED A WIDTH OF 29'-2 1/2" (OC) OR 1:1 AT THE CASED OPENING. THE 1:1 LOAD FACTOR (SECTION 1003.5) CONVERGENCE DEALS WITH A SIMILAR SITUATION WHERE MULTIPLE FLOORS CONVERGE ONTO AN INTERMEDIATE FLOOR PER THE SECTION. THE CAPACITY OF THE MEANS OF EGRESS FROM THE POINT OF CONVERGENCE SHALL BE NOT LESS THAN THE LARGEST MINIMUM WIDTH. FOR OUR PROJECT, THE EXISTING SANCTUARY IS THE LARGEST MINIMUM WIDTH AND THE PROPOSED 36" DOOR EXCEEDS THE REQUIRED 29.8" WIDTH.

PLUMBING FIXTURE REQUIREMENTS

OCCUPANCY	WATERCLOSETS	URINALS	LAVATORIES	DRINKING FOUNTAINS
MALE	1 (1:150)	1 (1:75)	1 (1:200)	1 (1:200)
FEMALE				1 (1:100)
ASSEMBLY (REQUIRED)	1 (1:150)	1 (1:75)	1 (1:200)	1 (1:200)
PROVIDED	1	1	N/A	1

STRUCTURAL DESIGN:

SEE STRUCTURAL DRAWINGS FOR MORE INFORMATION

ENERGY SUMMARY:

SEE MECHANICAL ENGINEERING DRAWINGS FOR MORE INFORMATION.

ELECTRICAL SUMMARY

SEE ELECTRICAL ENGINEERING DRAWINGS FOR MORE INFORMATION.

ENERGY/MECHANICAL SUMMARY

SEE MECHANICAL ENGINEERING DRAWINGS FOR MORE INFORMATION.

ACCESSIBLE PARKING

SEE CIVIL ENGINEERING PLANS FOR MORE INFORMATION

LIST OF DRAWINGS

ARCHITECTURAL DRAWINGS

T1.1	TITLE SHEET
D1.1	DEMOLITION PLANS- FIRST FLOOR AND ROOF
A1.1	BUILDING PLAN- PROPOSED FIRST FLOOR
A1.2	BUILDING PLAN- PROPOSED RCP
A2.1	EXTERIOR ELEVATION
A2.2	EXTERIOR ELEVATION
A2.3	EXTERIOR ELEVATION

STRUCTURAL ENGINEERING DRAWINGS

S1.0	SPECIFICATIONS
S1.1	FRAMING PLANS- PILING AND FIRST FLOOR

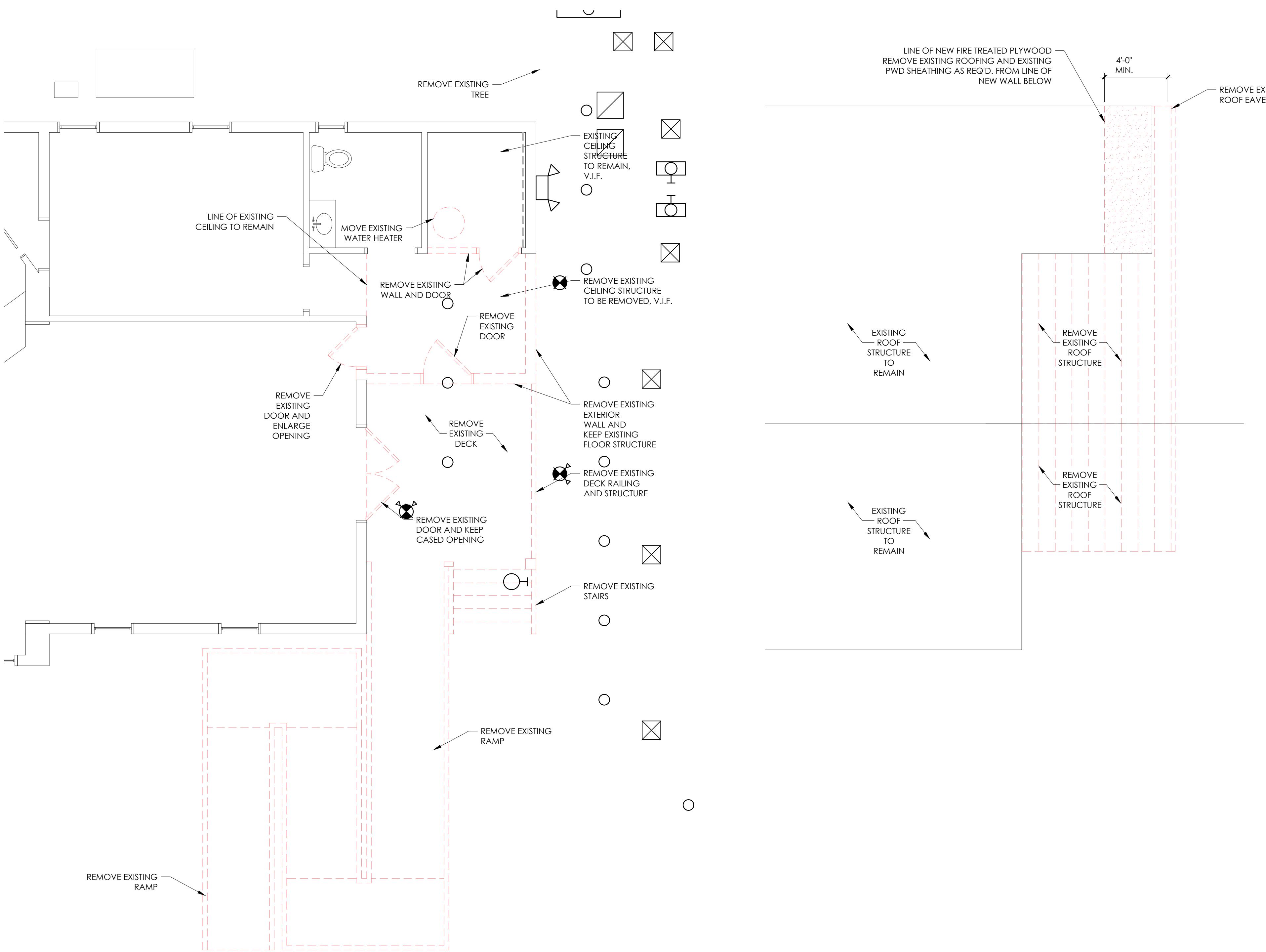
MECHANICAL ENGINEERING DRAWINGS

M001	MECHANICAL LEGEND, NOTES AND SCHEDULES

</tbl

DEMOLITION NOTES:

1. WHERE EXISTING WALLS, FLOORS, COLUMNS, CABINETS, COUNTERS, DOOR FRAMES, CEILINGS, DUCTWORK, ELECTRICAL DEVICES, PLUMBING FIXTURES AND RELATED PIPING HAVE BEEN REMOVED. CONTRACTOR TO PATCH DAMAGED SURFACES TO MATCH ADJOINING SURFACES THAT WILL REMAIN EXPOSED.
2. WHERE AN EXISTING OPENING IS CLOSED OR AN EXISTING PARTITION IS EXTENDED WITH NEW WORK, FINISH FACE OF NEW WORK FLUSH WITH EXISTING FINISH.
3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR COORDINATING THE REMOVAL OF ALL DEMOLITION DEBRIS FROM THE SITE.
4. REMOVE ONLY THOSE ELECTRICAL AND COMMUNICATIONS SYSTEMS SPECIFICALLY NOTED IN AFFECTED AREAS.
5. WHERE POSSIBLE, LIMIT DAMAGE TO ADJACENT ROOMS OR HALLWAYS.
6. DO NOT UNDERMINE THE EXISTING STRUTURE.



1 FIRST FLOOR DEMOLITION PLAN

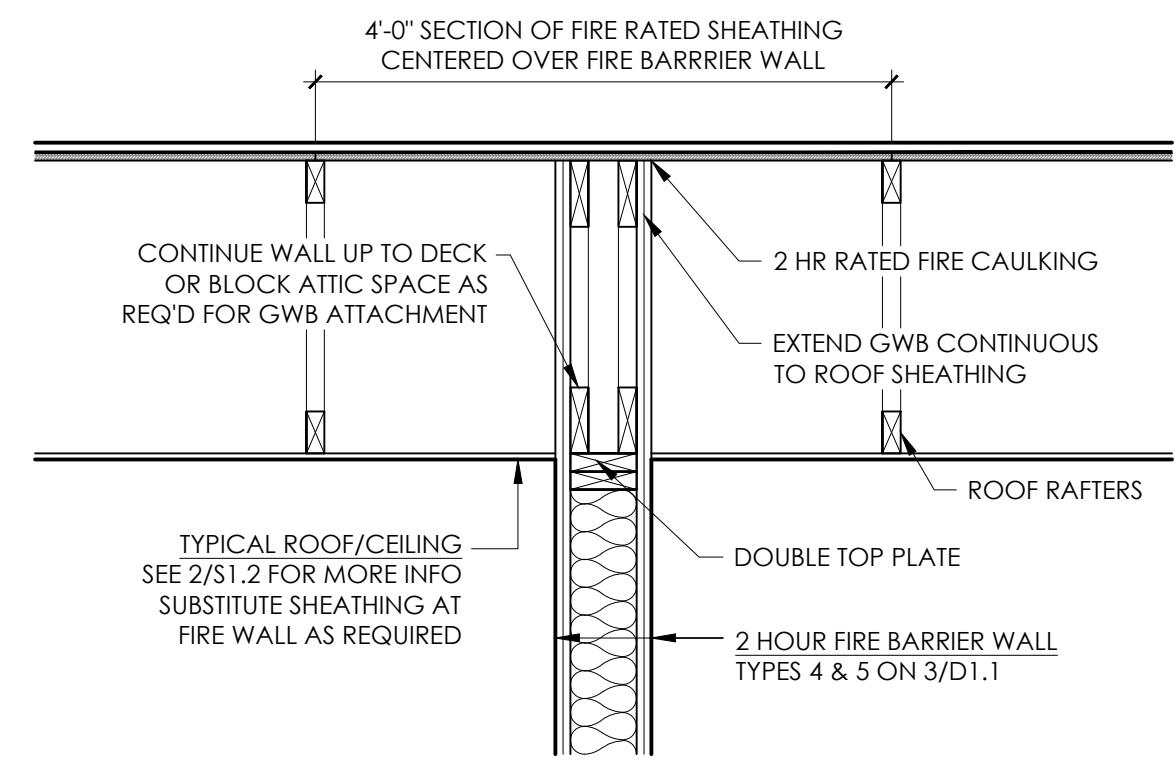
SCALE: $\frac{1}{12}$
= 1'-0"

ROOF DEMOLITION PLAN

2 SCALE: $\frac{1}{4}'' = 1'-0''$

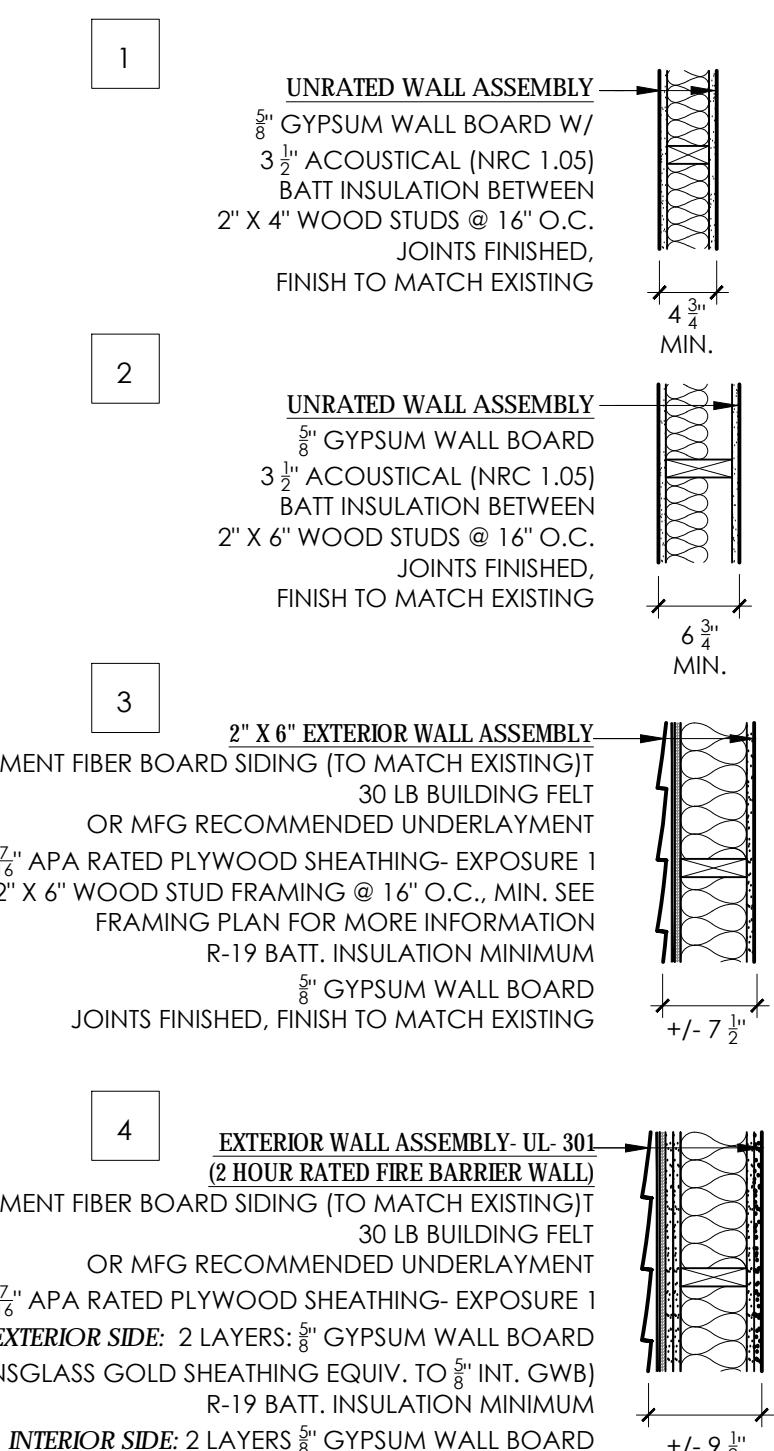
WALL ASSEMBLIES

3 NOT TO SCALE

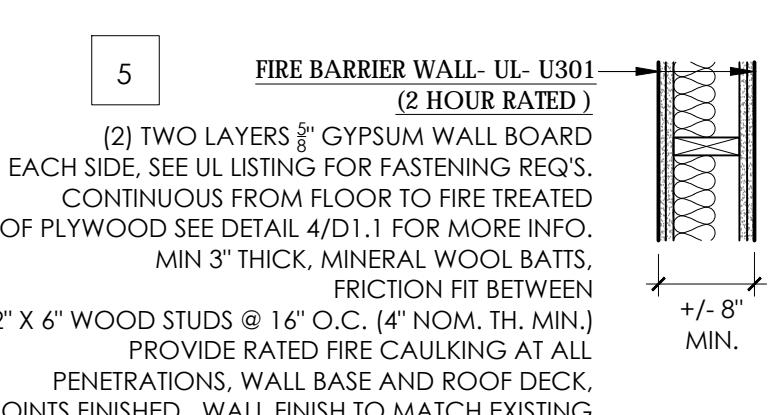


WALL ASSEMBLIES

SCALE $\cdot \frac{3''}{4''} = 1'-0''$



IMPORTANT CONSTRUCTION NOTE:
RUN INTERIOR AND EXTERIOR AND INTERIOR GYPSUM BOARD
UP TO FIRE TREATED PWD ROOF SHEATHING.
DO NOT CUT AROUND EAVES. EAVES TO BE FACE APPLIED TO
EXTERIOR WALL AT AFFECTED AREAS
REQUIRING A 2 HOUR RATING ON AN EXTERIOR WALL.
COORDINATE CONNECTION W/STRUCT. ENGINEER IN THE FIELD.
FINAL LOCATION OF EXTERIOR GWB W/ENGINEER
AND MFG AND ARCHITECT IN THE FIELD



JOINTS FINISHED, WALL FINISH TO MATCH EXISTING



The logo for House Engineering, P.C. features the company name in large, bold, sans-serif capital letters. To the right of the text is a graphic illustration. It depicts a two-story house with a prominent front porch and a gabled roof. A dashed line extends from the right side of the house, passing through the middle of the word 'HOUSE', and then continuing to the right where it is intersected by a stylized boat with a single mast and a sail. The boat is oriented towards the right, with its bow pointing towards the house. The entire logo is rendered in black and white.

EE ENGINEER:
ICKMAN AMBROSE, INC.
814 GREENBRIAR CIRCLE,
SUITE G,
CHESAPEAKE, VA 23322

JECT NAME:
COROLLA CHAPEL
ADDITION
1136 COROLLA VILLAGE
COROLLA, NC

VISIONS:	DATE:
UED FOR CONST.	6 / 17 / 19

DRAWING NAME:

DEMOLITION PLANS

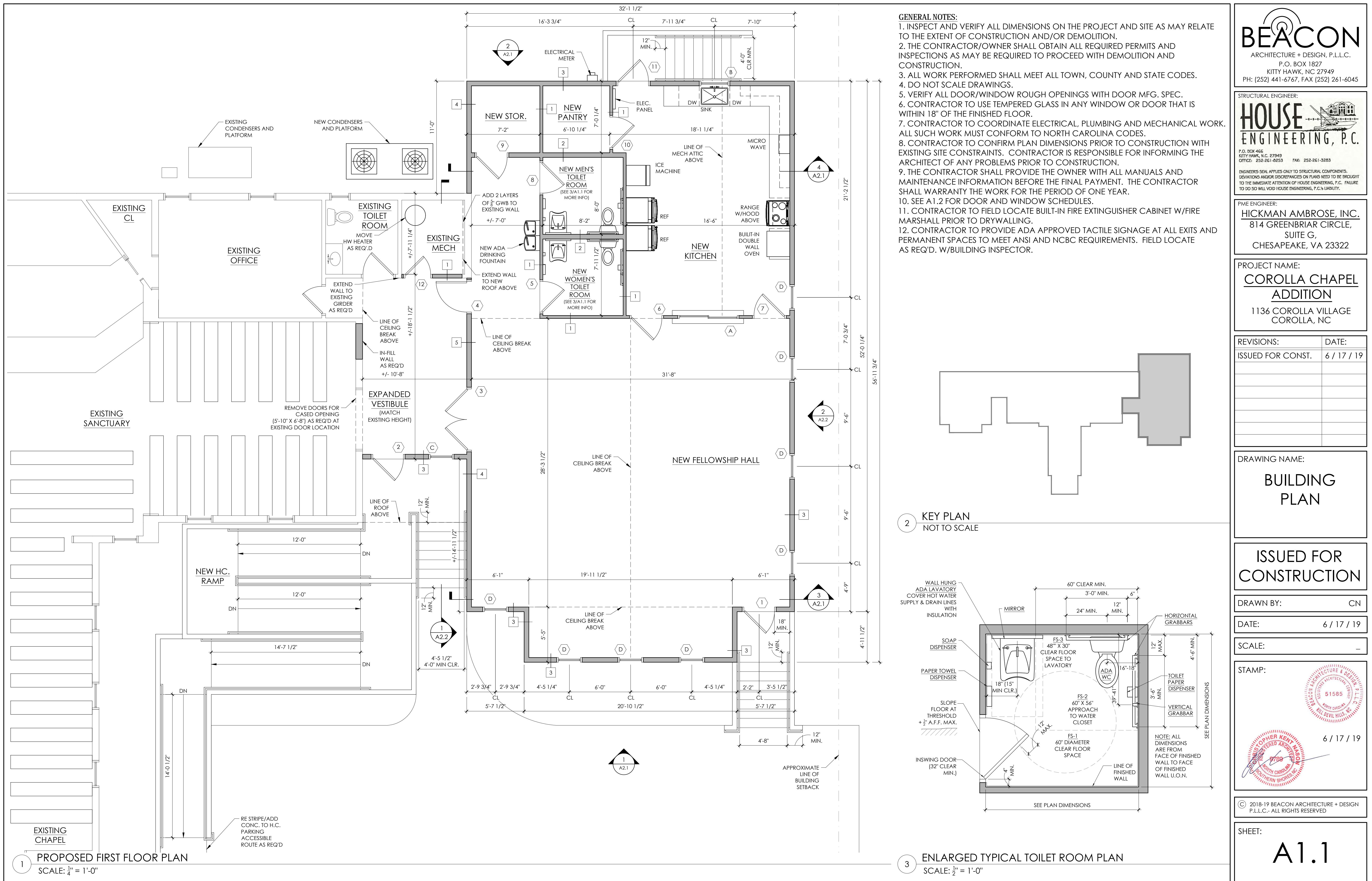
ISSUED FOR CONSTRUCTION

DATE: 6 / 17 / 19

A circular stamp with the text "BEACON ARCHITECTURE & DESIGN, PLLC." around the top edge, "REGISTERED ARCHITECTURAL COMPANY" around the bottom edge, "NORTH CAROLINA" at the bottom, "Kinston" in the center, and the number "51585" to the right of the center.

2018-19 BEACON ARCHITECTURE + DESIGN
P.L.L.C. - ALL RIGHTS RESERVED

EET:



1 PROPOSED REFLECTED CEILING PLAN
SCALE: $\frac{1}{4}$ " = 1'-0"

2 KEY PLAN
NOT TO SCALE

3 REFLECTED CEILING PLAN LEGEND
NOT TO SCALE

4 WINDOW LEGEND
NOT TO SCALE

5 TYPICAL WINDOW DETAILS
SCALE: $\frac{1}{4}$ " = 1'-0"

6 DOOR LEGEND
NOT TO SCALE

7 DOOR SCHEDULE

TAG	TYPE	TH.	MATERIAL	FINISH	DOOR		FRAME		HARDWARE	NOTES
					WIDTH	HEIGHT	MATERIAL	FINISH		
1	A	$1\frac{3}{4}$ "	FIBERGLASS	PAINTED	3'-0"	6'-11"	WOOD	PAINTED	ADA	A
2	A	$1\frac{3}{4}$ "	FIBERGLASS	PAINTED	3'-0"	6'-11"	WOOD	PAINTED	ADA	A
3	C	$1\frac{3}{4}$ "	METAL	PAINTED	6'-0"	6'-8"	METAL	PAINTED		E
4	D	$1\frac{3}{4}$ "	METAL	PAINTED	3'-0"	6'-8"	METAL	PAINTED		E
5	B	$1\frac{3}{4}$ "	WOOD	PAINTED	3'-0"	6'-8"	WOOD	PAINTED		B
6	B	$1\frac{3}{4}$ "	WOOD	PAINTED	3'-0"	6'-8"	WOOD	PAINTED		C
7	B	$1\frac{3}{4}$ "	WOOD	PAINTED	3'-0"	6'-8"	WOOD	PAINTED		C
8	B	$1\frac{3}{4}$ "	WOOD	PAINTED	3'-0"	6'-8"	WOOD	PAINTED		B
9	B	$1\frac{3}{4}$ "	WOOD	PAINTED	3'-0"	6'-8"	WOOD	PAINTED		D
10	B	$1\frac{3}{4}$ "	WOOD	PAINTED	3'-0"	6'-8"	WOOD	PAINTED		C
11	A	$1\frac{3}{4}$ "	FIBERGLASS	PAINTED	3'-0"	6'-11"	WOOD	PAINTED	ADA	A
12	B	$1\frac{3}{4}$ "	WOOD	PAINTED	2'-6"	6'-8"	WOOD	PAINTED		D

8 DOOR NOTES:

1. CONFIRM ACTUAL SIZE (ROUGH OPENING) WITH ACTUAL DOOR MANUFACTURER.
2. CONFIRM ALL DESIGN PRESSURE RATINGS WITH SELECTED MANUFACTURER.
3. SEE SCHEDULE FOR DOOR SIZING, CONTRACTOR TO CONFIRM.
4. SEE FLOOR PLANS FOR DOOR HAND INFORMATION, CONTRACTOR TO CONFIRM.
5. FOR INTERIOR DOORS, WIDTH AND HEIGHT VALUES REPRESENT ACTUAL DOOR SIZE AND NOT FRAME SIZE.
6. ALL EXTERIOR FRAMES AND RATED DOORS MUST HAVE CLOSERS.
7. CONFIRM DOOR HARDWARE SELECTIONS WITH DOOR SCHEDULE.
8. ALL EXTERIOR DOORS ARE TO BE COMMERCIAL GRADE WITH ADA THRESHOLDS.
9. ALL EXTERIOR DOORS ARE TO MATCH EXISTING CHURCH COLOR.
10. EXTERIOR DOORS SHOULD MEET 2018 NC ENERGY CODE REQUIREMENTS FOR COMMERCIAL STRUCTURES.
11. ALL INTERIOR AND INSING DOORS TO HAVE FLOOR MOUNTED/BASE MOUNTED DOOR STOPS, UNLESS OTHERWISE NOTED.

9 HARDWARE SETS:

1. ALL LOCKSETS AND LATCHSETS TO RECEIVE ADA APPROVED LEVER HANDLES, ALL EXPOSED.
2. HARDWARE IS TO HAVE A FINISH TO MATCH THE EXISTING CHURCH FOR COASTAL CONDITIONS.

10 HARDWARE SET A:

ENTRY DOOR - DUMMY PULL HANDLE AND SURFACE MOUNTED PUSH BAR EXIT DEVICE WITH DOGGING KEY, KEYED DEADBOLT WITH INTERIOR THUMB- TURN, SURFACE MOUNTED HEAVY DUTY CLOSER.

11 HARDWARE SET B:

TOILET DOOR - THUMB BUTTON PRIVACY LOCKSET; LATCHBOLT OPERATED BY HANDLE FROM EITHER SIDE, EXCEPT WHEN OUTSIDE HANDLE IS LOCKED BY THUMB BUTTON LOCKING DEVICE ON INSIDE LEVER, INSIDE HANDLE ALWAYS OPERATES LATCHBOLT, SURFACE MOUNTED HEAVY DUTY CLOSER.

12 HARDWARE SET C:

PASSAGE DOOR - PUSH PULL PLATE WITH DOOR KICKSTAND ON INSIDE OF DOOR PANEL.

13 HARDWARE SET D:

STORAGE ROOM DOORS - CLASSROOM LOCKSET: OUTSIDE LEVER LOCKS AND UNLOCKS WITH KEY, INSIDE LEVER ALWAYS UNLOCKS FOR IMMEDIATE EGRESS. OPTIONAL SURFACE MOUNTED CLOSER.

14 HARDWARE SET E:

FIRE DOORS - EXTERIOR DUMMY PULL HANDLES AND SURFACE MOUNTED PUSH BAR EXIT DEVICE WITH DOGGING KEY, SURFACE MOUNTED SPRING & HYDRAULIC POWERED CLOSER ON EACH LEAF INTEGRATED WITH FIRE ALARM SYSTEM.

15 DRAWING NAME: BUILDING PLAN

16 ISSUED FOR CONSTRUCTION

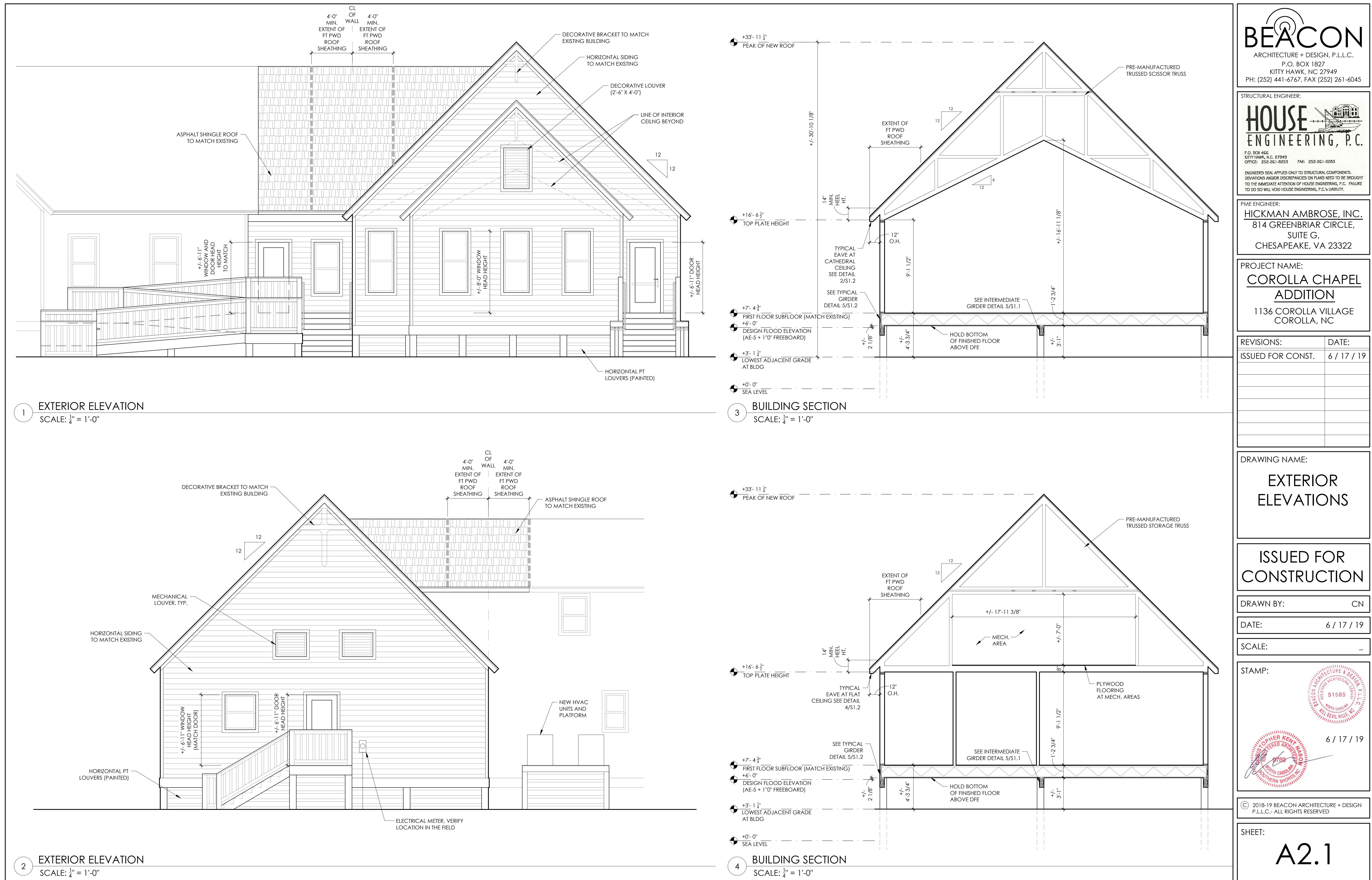
17 DRAWN BY: CN
DATE: 6/17/19
SCALE: -

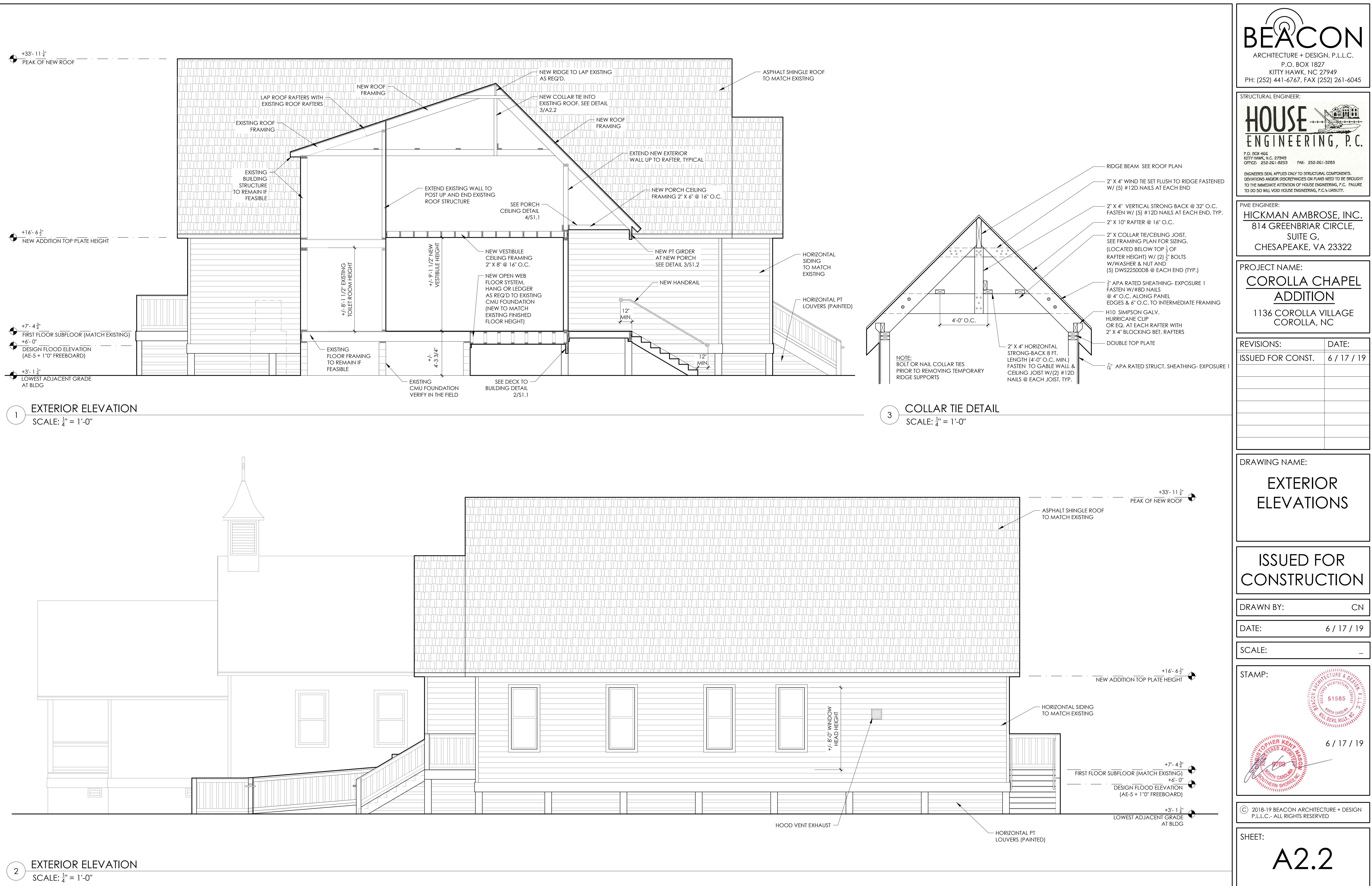
18 STAMP:

51585
BEACON ARCHITECTURE + DESIGN
P.O. BOX 1827
KITTENAWAY, NC 27949
PHONE: (252) 441-6767, FAX (252) 261-6045

6/17/19

19 SHEET: A1.2





BEACON
ARCHITECTURE + DESIGN, P.L.L.C.
P.O. BOX 1827
KITTY HAWK, NC 27949
PH: (252) 441-6767, FAX (252) 261-6045

STRUCTURAL ENGINEER:
HOUSE
ENGINEERING, P.C.
P.O. BOX 466
KITTY HAWK, NC 27949
OFFICE: 252-261-6253 FAX: 252-261-3283
ENGINEER'S SEAL APPLIES ONLY TO STRUCTURAL COMPONENTS.
DEVIATIONS AND/OR DISCREPANCIES ON PLANS NEED TO BE BROUGHT
TO THE IMMEDIATE ATTENTION OF HOUSE ENGINEERING, P.C. FAILURE
TO DO SO WILL VOID HOUSE ENGINEERING, P.C.'S LIABILITY.

PME ENGINEER:
HICKMAN AMBROSE, INC.
814 GREENBRIAR CIRCLE,
SUITE G,
CHESAPEAKE, VA 23322

PROJECT NAME:
COROLLA CHAPEL
ADDITION
1136 COROLLA VILLAGE
COROLLA, NC

REVISIONS: DATE:
ISSUED FOR CONST. 6/17/19

DRAWING NAME:
EXTERIOR ELEVATIONS

ISSUED FOR CONSTRUCTION

DRAWN BY: CN
DATE: 6/17/19
SCALE: -

STAMP:
51585
6/17/19

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P.L.L.C. ALL RIGHTS RESERVED

SHEET:
A2.2



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: James Southern, Corolla Chapel

From: Jennie Turner, Planner II

Date: September 12, 2019
 Revised September 18, 2019 with engineer comments

Re: PB19-22 Corolla Chapel Conditional Rezoning

The following comments were received at the September 11, 2019 TRC meeting. TRC comments are valid for six months from the date of the TRC meeting.

Due to Hurricane Dorian and the State of Emergency, this memo does not include all TRC comments. Any missing comments will be provided to you by September 18th.

In order to be scheduled for the October 8, 2019 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on September 23, 2019.

Planning, Jennie Turner 252-232-6031

Reviewed

Show proposed lot coverage on conceptual plan.

Currituck County Building Inspections and Fire, Richard Godsey 252-232-6020

Approved

Insure marked exit at kitchen has exterior connectivity with public right-of-way shown on site plan.

Currituck County Engineering, Eric Weatherly 252-232-6035

Approved

Southern Outer Banks Water, Benjie Carawan, 252-453-2620

Reviewed

OK TO CONSTRUCT A 32 FEET X 52 FEET FELLOWSHIP HALL/KITCHEN ADDITION TO EXISTING COROLLA CHAPEL AS SHOWN ON SITE PLAN AS LONG AS MAINTAIN(BUILDING FOUNDATION) A MINIMUM 5 FEET FROM ANY PART OF EXISTING SEPTIC SYSTEM. *NOTE: A PROPOSED FUTURE CHILD DAYCARE CENTER OR SCHOOL LOCATED IN THE CHURCH MAY REQUIRE EXPANSION OF THE SEPTIC SYSTEM OR REQUIRE HOOKING TO A LARGE WASTEWATER TREATMENT AND DISPOSAL SYSTEM LOCATED NEARBY.

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

No Comment

Currituck County Water, Yama Jones 252-232-6061

No Comments Received

Currituck County GIS, Harry Lee 252-232-2034

Reviewed

NONE

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

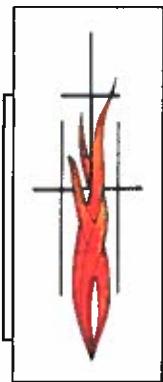
No Comment

Currituck County Parks & Recreation, Jason Weeks, 252-232-3007

Approved

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.



Corolla Chapel
1136 Corolla Village Road
Corolla, NC 27927
252-453-4224
Reverend James H. Southern, Jr MA, M.Ed. LPCS, NCC

To: Jennie Turner, Planner II

From: James H. Southern, Corolla Chapel

Date: September 23, 2019

Re: PB 19-22 Corolla Chapel Conditional Rezoning

In response to the comments from the TRC meeting on September 11, 2019 the following actions were taken.

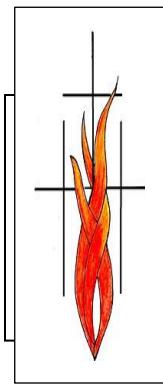
The proposed lot coverage was added to the conceptual plan and submitted to your office as requested, electronically on September 20, 2019 and hard copies to be delivered this day, September 23, 2019 to your office in Corolla.

The following is in response to the comments submitted by Benji Carawan from Southern Outer Banks Water.

- At this time, nor in the foreseeable future, will changes be made to the exterior structure that borders the existing drain field or septic tank. Existing setbacks will be maintained and plans for new construction meet current requirements. There is no anticipated, increase of significance, in water or sewage usage connected with this project.
- Any future expansion or addition of programs i.e., a daycare program or afterschool program, in large part, is dependent of the completion of the mid-county bridge or an influx of year-round residents with pre-school or school age children in the primary grade levels. Both do not appear to be happening in the near future.

Respectfully submitted,

Jim Southern, Pastor/President Corolla Chapel



Corolla Chapel
1136 Corolla Village Road
Corolla, NC 27927
252-453-4224
Reverend James H. Southern, Jr MA, M.Ed. LPCS, NCC

To: Jennie Turner, Planner II

From: James H. Southern, Corolla Chapel

Date: September 24, 2019

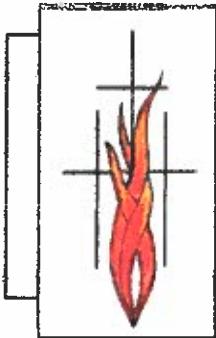
Re: PB 19-22 Corolla Chapel Conditional Rezoning

In response to the comments from the TRC meeting on September 11, 2019 the following actions were taken.

Connectivity with the public right-of-way from the marked exit at the kitchen will be available with access to Persimmon Street at rear northern corner of the property or utilizing area on the northern or southern side of structure accessing Corolla Village Road.

Respectfully submitted,

Jim Southern, Pastor/President Corolla Chapel



Corolla Chapel
1136 Corolla Village Road
Corolla, NC 27927

252-453-4224

August 5, 2019

Re: Notice of Community Meeting
Request for a Conditional Rezoning by Corolla Chapel
1136 Corolla Village Rd
Corolla, NC 27927

Dear Property Owner(s),

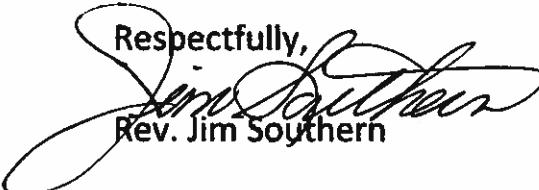
You are invited to attend a Community Meeting on August 19, 2019 at 3:00 pm in the Chapel's Fellowship Hall.

The purpose of this meeting is to inform the community of Corolla Chapel's request to have its current residential zoning changed to a Conditional Rezoning - General Business in order to build a new fellowship hall and kitchen to better meet the Chapel's ministry opportunities and serve the community. The change in zoning will allow an increase in lot coverage in order to accommodate the proposed addition to the existing structure.

The property in question is the Chapel's current location at 1136 Corolla Village Rd.

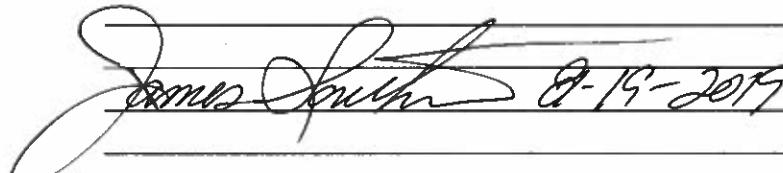
All persons having interest in this matter are invited to attend this informational meeting. Further information regarding this requested change can be obtained by contacting Pastor Jim Southern at 252-423-1432 or email pastor@corollachapel.com.

Respectfully,

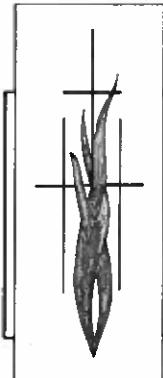

Rev. Jim Southern

Corolla Chapel Community Meeting
For
Conditional Business Rezoning Request
August 19th, 2019 - 3:00 PM at The Corolla Chapel

1. Attendee Sign-in
2. Welcome - Jim Southern, President of John W. Austin Memorial Chapel, Inc aka 'Corolla Chapel" Board and Pastor of Corolla Chapel
3. Explanation of development proposal and request for change in zoning.
 - Change our current zoning to Conditional Use Business
 - Allow for building on greater percentage of property to accommodate fellowship hall /kitchen combination
 - Presentation of proposed addition and drawings
 - Submission of Application August 22, 2019 to Planning Dept.
 - Meet with Technical Review Committee
 - Public Meeting of Planning Board to review and consider application.
 - Public Hearing with Board of Commissioners.
4. Questions, concerns regarding development proposal and zoning.
5. Explanation of application and application review process.
 - Submission of Application August 22, 2019 to Planning Dept.
 - Meet with Technical Review Committee
 - Public Meeting of Planning Board to review and consider application.
 - Public Hearing with Board of Commissioners.
6. Questions and answers regarding application and application review process.
7. Discussion on how to ameliorate or mitigate attendee or community concerns.
8. Describe requirement for written summary of the Community Meeting and attendees right to submit a written response within 30 days after application has been determined complete.
9. Any remaining questions or concerns:



James Southern 8-19-2019



Corolla Chapel
1136 Corolla Village Road
Corolla, NC 27927
252-453-4224
Reverend James H. Southern, Jr MA, M.Ed. LPCS, NCC

August 19, 2019

Summary of Community Meeting held at Corolla Chapel at 3:00 pm on August 19, 2019.

On Monday August 19, 2019 at 3 pm a meeting was held at Corolla Chapel to discuss the request to have the Church's zoning for the property located at 1136 Corolla Village Road changed from "residential" to a "conditional use" classification.

Jim Southern, Pastor of Corolla Chapel and Board Chair for the legal entity John W. Austin Memorial Chapel, Inc. officiated the meeting. There were eight others in attendance, Ed Pence Vice President of John W. Austin, Inc. Memorial Chapel, Board members Jack Riggle and Fred Kunkel. Other church members present were Kay Cole who also owns property within 500 feet of the Chapel, Bonnie and Ed McCarty, Trudi Meriholf. Jennie Turner was present representing Currituck County.

The meeting began at 3 pm and was conducted following a prepared agenda addressing the items which are outlined in the section identified as Step 2: Community Meeting in the Conditional Rezoning Application packet. The Agenda is attached. Each topic was presented and opportunity for discussion followed. No questions arose regarding the proposed plan nor the application process. Opportunities were provided to ask for clarification if needed on each point and none was requested. Those present indicated they were in support of the rezoning requests with the exception of Ms. Turner who took no position as she was there as a representative of Currituck County.

The meeting was adjourned at 3:15 pm

Respectfully Submitted,

Jim Southern, President

John W. Austin Memorial Chapel, Inc., dba; Corolla Chapel

COROLLA CHAPEL COMMUNITY MEETING SIGN AUGUST 19, 2019: 3:00 PM



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2606)

Agenda Item Title

PB 19-21 Island Development Text Amendment:

Brief Description of Agenda Item:

Guy Lunsford is requesting a text amendment to allow development on islands accessible only by boat.

Planning Board Recommendation:

<Planning Board Recommendation, IF NOT A PLANNING BOARD ITEM ERASE COMPLETELY>

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: September 25, 2019

Subject: PB 19-21 Island Development Text Amendment (Guy Lunsford)

Background

The purpose of the text amendment is to allow development on islands with boat only access. If approved, the text amendment will apply countywide and there are 21 privately owned islands off of Currituck Mainland. While the text amendment will apply countywide, Mr. Lunsford is particularly interested in developing the five 10+ acre lots on Long Point, an island in the Coinjock Bay.

In 2005, Wayne Meyers submitted a similar text amendment that the BOC eventually denied in 2008 for development of the same island. The primary concerns for denial of the text amendment at that time were citizen health and safety and for providing county services. Since this text amendment request is so significant in regards to citizen health and safety, it was reviewed by TRC. In reviewing the current TRC comments, you will find some of the same concerns with previous text amendment request in this text amendment request.

In 2006 The Currituck Island Company LLC purchased the property. Mr. Lunsford was the managing member of that LLC. On January 12, 2017 the Currituck Island Company LLC subdivided the single lot island into five 10+ acre lots. By North Carolina General Statute, properties being divided into lots greater than 10 acres are exempt from subdivision regulations. The 10+ acre lots are not exempt from zoning standards or NC Building code. On March 28, 2017, the property transferred from The Currituck Island Company LLC to Mr. Lunsford.

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;

- Policy PP2 of the LUP states that adequate public facilities, sufficient to support associated growth and development must be available. Firefighting, emergency medical services, etc. will not be available to the island based on TRC comments.
- 2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
 - One of the purposes of the UDO is to facilitate the adequate provision of transportation, utilities, parks, recreation, emergency services, and other public facilities. (Section 1.3.J) This request is in direct conflict with the purpose of the UDO since emergency services will not be available to serve an island with boat only access. Adequate public facilities are not available to serve an island with boat only access. (Reference TRC Comments)
- 3. Is required by changed conditions;
 - Staff is unaware of changed conditions since the previous text amendment request in 2005.
- 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
 - Allowing development on an island with boat only access where firefighting and emergency medical services is not available is neither logical or orderly.
- 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.

Technical Review Committee Recommendation

TRC recommends denial of this request subject to the review standards noted above and the staff suggested Statement of Consistency and Reasonableness listed in the attached staff report.



**P B 19-21 ISLAND DEVELOPMENT
TEXT AMENDMENT
PLANNING BOARD
OCTOBER 8, 2019**

Gregory E. Willis, on behalf of his client, Guy Lunsford, request an amendment to the Unified Development Ordinance, Chapter 2 Administration, Chapter 3 Zoning Districts, and Chapter 10 Definitions and Measurement, to allow single-family dwellings to be built on an island with boat only access.

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 adding Section 2.4.19 Island Development:

2.4.19 Zoning Compliance Permit - Island Development

A. Purpose

The purpose of a zoning compliance permit for island development is to ensure no development occurs unless the development complies with the requirements of this ordinance.

B. Applicability

A zoning compliance permit for island development is required before issuance of a building permit, any change in use, or commencement of activity that does not require issuance of a building permit.

C. Zoning Compliance Permit – Island Development Procedure

(1) Pre-Application Conference

Applicable (see Section 2.3.2).

(2) Community Meeting

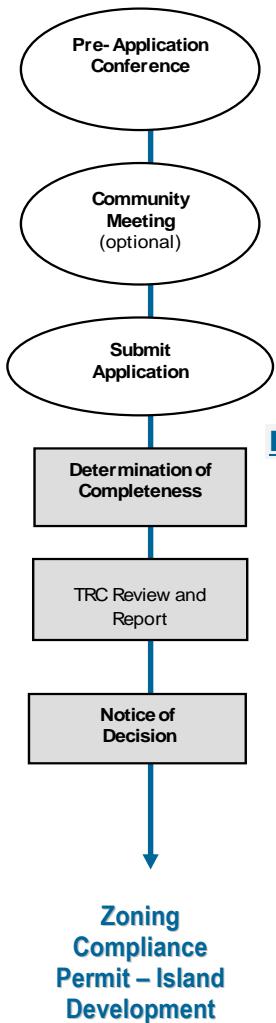
Not applicable

(3) Application Submittal and Acceptance

Applicable (see Section 2.3.4). Prior to the issuance of a zoning compliance permit for island development, verification must be submitted by the applicant that the lot will be served by either a state-approved package plat, public sewer facility, or a waste treatment system complying with the requirements of the Albemarle Regional Health Services, where applicable.

(4) Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall review and decide the application in accordance with Section 2.3.5.D, Applications



Subject to Decisions by Planning Director or Technical Review Committee, and Section 2.4.9.D, Zoning Compliance Review Standards.

(5) Public Hearing Scheduling and Public Notification

Not Applicable.

(6) Public Hearing Procedures

Not Applicable.

(7) Advisory Body Review and Recommendation

Not applicable.

(8) Decision-Making Body Review and Decision

Not applicable.

Zoning Compliance – Review Standards

A zoning compliance permit for island development shall be approved upon finding that the applicant demonstrates the proposed development complies with all applicable standards in this Ordinance, the County Code of Ordinances, and the following:

- (1)** The zoning compliance permit for island development contains a clearly visible disclaimer that states “County services including, but not limited to transportation, emergency services, law enforcement, and fire and rescue are not available at this location.”
- (2)** The application provides an appropriate location on the mainland, approved by the Planning Director, for staging of construction for new development on the island. The mainland location must be secured either through ownership or a written agreement provided to the Planning Director and shall be located in an appropriate zoning district.
- (3)** The application provides an appropriate location on the mainland with a boat launch, approved by the Planning Director, for parking of automobiles, boat trailers, etc.
 - (a)** The parking area must be:
 - (i)** Located in an appropriate zoning district;
 - (ii)** Surfaced with asphalt, concrete, brick, crushed stone, pavers, aligned concrete strips, or an equivalent material. The materials shall be maintained in a smooth, well-graded condition;
 - (iii)** Compliant with the parking standards in Table 5.1.3.C Minimum Off-Street Parking Standards and Section 5.1.5 Dimensional Requirements; and,
 - (iv)** Screened on all sides, except the water side, with a Type D Opaque Buffer.

E. Effect of Development Agreement

Approval of a zoning compliance permit for island development authorizes an applicant to apply for a building permit, or to commence construction if the proposed development does not require a building permit.

F. Amendment of Development Approval

Applicable (See Section 2.3.14)

G. Expiration of Development Approval

Approval of a zoning compliance permit shall automatically expire if the development activity it authorizes is not commenced within six months after the date of approval.

Item 2: That Chapter 3 is amended by adding the bold and underlined language in Section 3.4.2.F:

Footnote [1] All lots shall maintain a minimum street frontage of 35' **for cul-de-sac lots, except for lots on an island accessible only by boat.**

Item 3: That Chapter 10, Section 10.3.3.B.6 is amended by adding the bold and underlined language in Section 3.4.2.F:

(6) Lot Access

- (a) ~~No lot shall be established which does not~~ **All lots must** abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.
- (b) ~~Ever lot shall be configured so as to~~ **All lots must** maintain at least 20 feet for ingress/egress of emergency service vehicles.
- (c) **Lots on islands accessible only by boat are exempt from (a) and (b) above.**

Item 4: That Chapter 10, Section 10.5 Definitions is amended by adding the bold and underlined language in Section 3.4.2.F:

ISLAND DEVELOPMENT

Development on an island accessible only by boat.

Item 5: Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is not consistent with the 2006 Land Use Plan because:

- Policy PP2 of the LUP states that adequate public facilities, sufficient to support associated growth and development must be available. Firefighting, emergency medical services, etc. will not be available to the island based on TRC comments.

The request is not reasonable and not in the public interest because:

- Adequate public services (firefighting, emergency medical services, law enforcement, or other county services, etc.) are not available to an island accessible only by boat.

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

Item 7: 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: _____



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: Guy Lunsford
 c/o Attorney Gregory E. Wills

From: Tammy D. Glave, CZO, Senior Planner

Date: September 17, 2019

Re: PB 19-21 Island Development Text Amendment

The following Technical Review Committee (TRC) comments have been received for PB 19-21 Island Development text amendment submitted on behalf of Guy Lunsford. This request is schedule for the October 8, 2019 Planning Board meeting.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comment:

1. Adequate public services will not be available to the island including, but not limited to: Fire, EMS, school transportation, public potable water, sheriff, solid waste disposal, etc.
2. Staff will not have to ability to access the island including, but not limited to: building inspectors, environmental health department, tax department, sheriff, etc.
3. A parking lot must be provided on the mainland for storage of vehicles, boat trailers, etc. and the parking lot must meet the requirements of the UDO in regards to surface material and screening.
4. Adequate public facilities are not available to service this request. (See comments below from Emergency Medical Services, Fire Department)
5. In 2007, a similar text amendment (PB 07-67) was submitted for one single-family dwelling to be built on this same island. The Board of Commissioners voted to deny that text amendment request (1/22/08) with primary concerns being citizen health and safety and for providing county services. This request is for five single-family dwellings.

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

Reviewed with comment:

1. Even though the lots are 10+ acres, Building and Fire Codes apply to the development.
2. Research disclosed one Island off of Oak Island, NC, that is developed with single-family dwellings with boat only access. Additional measures had to be taken to allow construction. For example: water tank and or water pumper truck on the property for firefighting purposes, sprinklered buildings, a boat and boat launch for emergency and county services, etc.

Currituck County Emergency Medical Services (Chief Melton and Deputy Chief Riley, 252-232-7746)

Reviewed with the following comments:

1. Emergency Medical Service is not equipped or staffed to provide emergency medical services to an island with only boat access.
2. Even if a note is placed on the plat that emergency medical services will not be provided to the island, if someone calls 9-1-1 for assistance, the caller will expect service and emergency medical services will be liable for the call if the decision is made to assist the person.
3. While the current owner may understand emergency medical services will not be provided to the island, future visitors will not have the same understanding. There could be hundreds of visitors in the summer season and this is a quality of life issue.

Currituck County Emergency Management (Mary Beth Newns, 252-232-2115)

Reviewed with comment:

1. In agreement with all EMS comments.
2. Responding to an emergency on the island would set a precedent for future calls for emergency services.

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

Reviewed with comment:

1. While 10+ acres lots are exempt from drainage requirements, they are not exempt from utility requirements such as water, sewer, solid waste, etc.

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

Reviewed with comments:

1. County water is not available at this location.

Crawford Township Volunteer Fire Department (Chief Ryland Poyner, 252-232-3313)

Reviewed with comment:

1. There is no way for the Fire Department to provide services to the island. The department does not have the equipment (i.e. fire boat) to serve an island with boat only access.
2. There is a serious health and safety concern for renters/visitors calling 9-1-1 for firefighting services, not realizing that firefighting services are not available.



Text Amendment Application

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

Contact Information

APPLICANT:

Name: Guy Lunsford
 Address: c/o Attorney Gregory E. Wills
6541 Caratoke Hwy., Grandy, NC 27939
 Telephone: 252-491-7016
 E-Mail Address: gwills@obxlaw.com

Request

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

Amend Chapter(s) 10 Section(s) 10.3.3.(B)(6)(c) as follows:

Notwithstanding any other provision in the UDO, a building permit may be issued for residential construction on an island provided:

(1) the owner of the island lot for which a building permit is being requested demonstrates that he or she will be able to access the island residence without the use of overnight or long-term parking at a public parking area associated with a public boat launch site, and (2) that a disclaimer is executed by the owner of the island lot for which a building permit is being requested acknowledging that standard county services including transportation, emergency service(s), fire and rescue, are not available to such island lot(s).

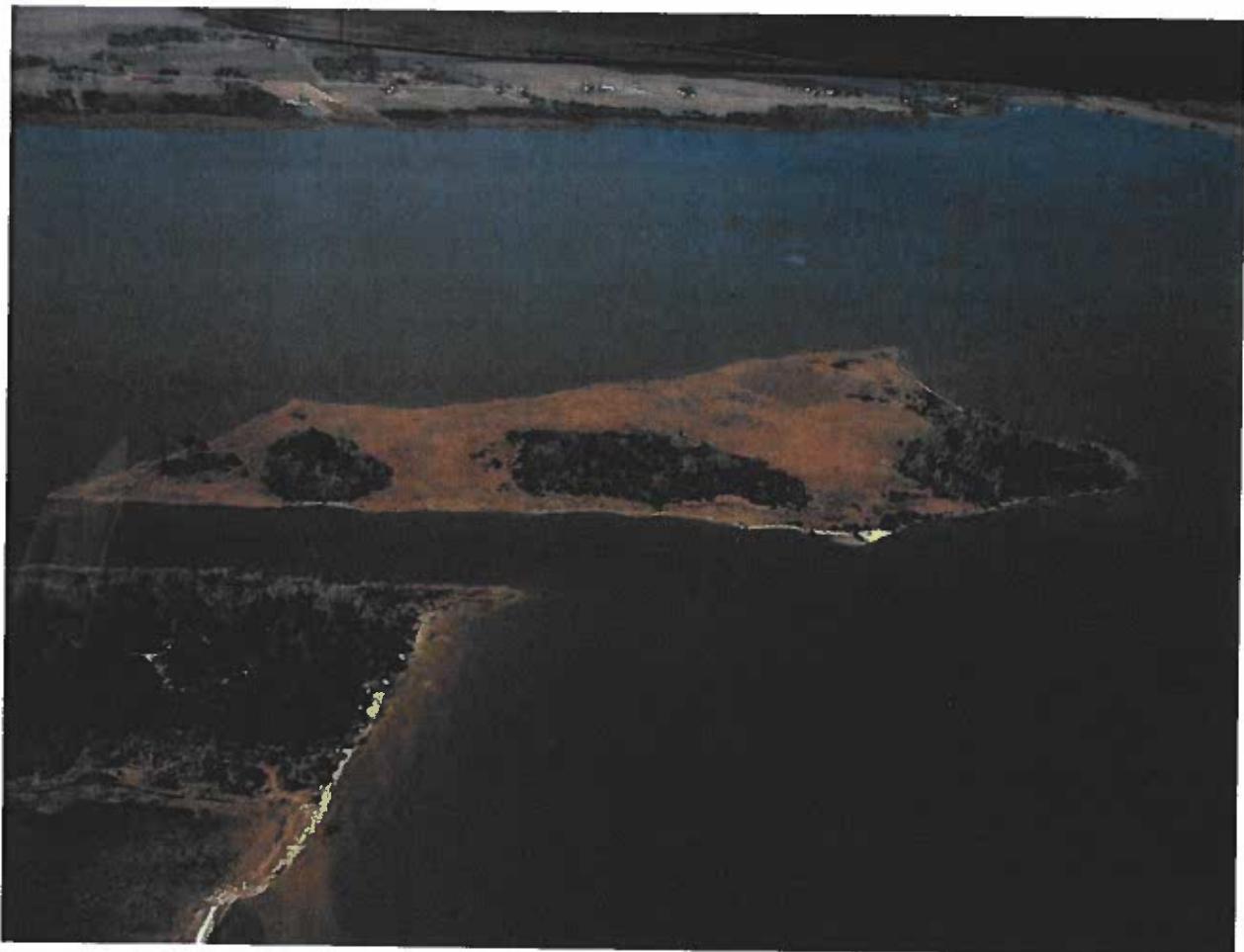
*Request may be attached on separate paper if needed.


Petitioner


Date

~~Unofficial~~

**Aerial Photography of Long Point
3/16/05**



Attachment: 3 Application (PB 19-21 Island Development Text Amendment)

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: _____

DISCUSSION

Mr. Woody stated that he had an initial meeting that was attended by the applicant, Planning Staff, representatives of the Sheriff's Office, Emergency Management Department, and Emergency Medical Services Department. Several concerns were raised at the meeting, after which it was decided to expand upon the existing draft while relying on the legal guidance of the County Attorney. The question is, "Does the county have any liability to provide services and are we legally responsible to provide services?" The County Attorney stated that the County does not have a legal liability to provide services, but he did suggest if a minor or major subdivision were to be developed, a statement be placed on the plat that the County is not required to provide these services. The County Attorney also suggested that when someone applies for building permits that we provide them with a statement that county services may be limited.

Mr. Delucia stated that out of the meeting he came away with yes the County will get there, but it may take some time to get there and there are some concerns about it. Mr. Delucia stated they are asking for a text amendment which would allow building on island lots.

Mr. West asked if a single family or a subdivision was going to be built on the island.

Mr. Delucia said a single family home.

Mr. West stated that the county should provide a formal statement that the county does not have a legal responsibility to provide county services as suggested by the County Attorney.

Mr. Woody stated that he, Mr. Delucia and the County Attorney will meet and come up with an agreeable waiver form.

John Snowden stated that by paying taxes and denying a homeowner to build on the island, the county would be taking the homeowner's property rights away under the constitution.

ACTION

Mr. West motion to recommend approval of the Island Lots UDO Text Amendment as presented. Mr. Etheridge seconded the motion. Motion passed unanimously.

PB 07-71 Bay Disposal Text Amendment: Request to amend the Currituck County Unified Development Ordinance, Table of Permissible Uses, to allow recycling centers as a special use permit within a light manufacturing (LM) zoning district.

James Schaubach, Bay Disposal, Mike Norris, Bay Disposal, and Dave Holton appeared before the board.

Mr. Woody presented the following case analysis to the board.

MEMORANDUM

TO: Planning Board
FROM: Planning Staff
DATE: November 29, 2007
SUBJECT: PB 07-71 Bay Disposal

Bay Disposal is requesting a text amendment to the UDO to permit recycling centers or materials recovery facility as a special use permit within the light manufacturing (LM) zoning district. This request is being presented as an amendment to the reorganized UDO that will be reviewed by the Board of Commissioners on December 3, 2007. Although, the current UDO, table of permissible uses, does not address or define a recycling center or a materials recovery facility, the proposed use does not appear to have similar impacts as another use listed within the table which is the reason for the proposed amendment.

The Table of Permissible Uses is listed in Article 13, of the current UDO and the Permitted Uses Table is contained in Section 2.5 of the reorganized draft UDO document.

The proposed text amendment presented by Bay Disposal does not contain special requirements and would permit the use as a special use permit. However, after considering the impacts to neighboring property staff proposes a second option with special requirements such as setbacks, definitions, buffers and roadway improvements.

At the request of the Planning Board, staff has changed the name of the use to a recycling transfer facility and added definitions to address type of materials accepted at the facility. In addition, option two proposes recycling transfer facilities in the heavy manufacturing (HM) district with a special use permit.

Angie Yost

From: Greg Wills
Sent: Friday, August 2, 2019 10:55 AM
To: Laurie LoCicero
Cc: Angie Yost; Ethel Powell; phatphishsolid@gmail.com
Subject: Text Amendment- Pre-app conference 8.15.19 (Lunsford- long Point Island)

Laurie- I enjoyed our conversation this morning. This confirms our agreement to meet at your office, 10:00 am, August 15, 2019 to have a formal pre-application conference as called for in the UDO. You said that you will want to have formal technical committee review for this text amendment and that the submittal date for TRC review is August 22, 2019. Accordingly, I will use 8.22.19 as the target date for application submittal. This will give us one week to finalize language before my clients submit their application. This should also put them on track for a vote before the BOC in November, 2019. I believe those timelines will be satisfactory to my clients.

For discussion purposes at the 8.15.19 meeting, I suggest the following language be inserted as § 10.3.3.(B)(6)(c)

(c) Notwithstanding any other provision in the UDO, a building permit may be issued for residential construction on an island provided; (1) the owner of the Island lot for which a building permit is being requested demonstrates that he or she will be able to access the island residence without the use of overnight or long term parking at a public parking area associated with a public boat launch site, and (2) that a disclaimer is executed by the owner of the lot for which a building permit is being requested acknowledging that standard county services including transportation, emergency service(s), fire and rescue, are not available to such development(s).

As we discussed, Mr. & Mrs. Lunsford likely will not be the final developer of the island so that an amendment that is general and broadly applicable to all islands in the sound is preferable to one that is specific to Long Point Island as platted. From my client's perspective, a text amendment demonstrating conceptual and practical ability to build a residential home on an island in the Currituck Sound is sufficient. The details on how to accomplish that, ie, CAMA permit, Army Corps permit, Health department septic permit, power hook up, and even dedicated parking and private boat launch, are all hurdles that the ultimate developer must comply with. Undoubtedly, you and the staff will need to think through those issues during the text amendment process. If specific language needs to be added later in the process, I believe there is the flexibility to do that prior to the final vote. In any event, I hope that by the time we meet on the 15th, you will have some thoughts on the "most palatable" language we can come up at time of submittal and will have some suggestions on where it should be inserted within the existing UDO.

Thanks for the phone call, and I look forward to working with you.

Greg.

SECTION 10.3: RULES OF MEASUREMENT

Subsection 10.3.4: Required Setbacks

(4) Family Subdivision Lots

- (a) Family subdivision lots shall maintain a minimum lot area of 40,000 square feet, regardless of the minimum requirements for the zoning district (except in the SFR district, where district requirements apply).
- (b) Family subdivision lots are not required to front onto a public or private street.

(5) Flag Lots

- (a) Flag lots are prohibited in cases where they would result in an increased number of lots accessing collector or arterial streets.
- (b) In no instance shall more than five percent of the lots in a new subdivision be configured as flag lots.

(6) Lot Access

- (a) No lot shall be established which does not abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.
- (b) Every lot shall be configured so as to maintain at least 20 feet for ingress/egress of emergency service vehicles.

(7) Lot Boundaries

- (a) Lot boundaries shall be formed to coincide with natural or man-made drainage ways, to the maximum extent practicable, to avoid disruption of established drainage patterns.
- (b) Lot lines shall be at, or near, right angles or radial to streets.
- (c) Whenever a single lot is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

(8) Lot Coverage in Estuarine Shoreline Areas of Environmental Concern

Lot coverage within estuarine shoreline areas of environmental concern (lands within 75 feet of the normal or mean high water level of an estuary) shall be limited to a maximum of 30 percent, regardless of the type of building or paving.

10.3.4. Required Setbacks

A. Definitions/Measurement

(1) Accessory Use Setback

The minimum required distance between a side or rear lot line and the closest portion of an accessory structure or accessory use area (see Figure 10.3.4.A, Required Setbacks).

**Aerial Photography of Long Point
3/16/05**



Attachment: 4 Supporting Docs w Application (PB 19-21 Island Development Text Amendment)

Legend Long Poi**Lunstford**



Currituck County

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

MEMORANDUM

TO: Planning Board
 Board of Commissioners

FROM: Planning Staff

DATE: June 21, 2005

SUBJECT: PB 05-17 Wayne Myers Amendment to UDO

Mr. Myers is asking to amend Section 115 of the UDO to allow zoning permits to be issued on lots whose only means of access is through Public Trust Waters (lots do not abut a street or road, but are on an island completely surrounded by water). Mr. Myers has an Option to Purchase on Long Point, a 57± acre island off the point of Bell's Island (see attached map). He would like to subdivide this island into four 10+ acre lots. Since the lots are 10 acres or larger, they are exempt from subdivision regulations, but not zoning regulations. In order to get a building permit, a zoning permit must be issued. A zoning permit cannot be issued for these lots as the UDO currently requires that all lots abut a street or road. Mr. Myers request that lots whose sole means of access is through Public Trust Waters be exempt from this requirement. Without this amendment no structure will be allowed to be built on this property or similar properties, rendering the islands as "unbuildable."

Also attached for your review are letters from other agencies regarding this property. Mr. Myers ask that you review these letters as evidence that other agencies consider this island as "buildable." The Tax Office values Long Point at \$204,055.

It is important to note that if this amendment is approved, it would apply countywide and not just to Mr. Myers situation. There are 21 privately owned islands off of Currituck mainland.

STAFF RECOMMENDATION

Staff recommends denial of this amendment subject to the following:

1. County Services (Fire, EMS, Public School Transportation, Sheriff's Department, etc.) will not be available to an island. *Please note that Mr. Myers is willing to sign a waiver for all county services for Long Point.*
2. Non-availability of public utilities such as power, telephone, cable tv, etc. to an island.
 . There is no method for solid waste disposal on an island.

PLANNING BOARD DISCUSSION

Mr. Bell said that Swan Island and Monkey Island do not have electricity and the emergency services that are questioned by the staff.

Ms. Eggar said that no solid waste facilities are available on the island.

Mr. Bell asked if the island has an access on the mainland to park cars, etc.

Ms. Eggar said that the owner would have to work that out.

Mr. Myers said that until he has an approval from the board, he cannot go further with these arrangements. He also stated that solid waste would be disposed of as any other home in the area, it would be discarded at the facility.

Mr. John Snowden, Currituck Independent, stated that the island has a huge historical significance and he commends Mr. Myers for trying to preserve the island.

PLANNING BOARD RECOMMENDATION:

On July 12, 2005 the Planning Board reviewed this request and recommended approval (7-1) with Mr. Kovacs voting no.

WAYNE MYERS PB 05-17 UDO AMENDMENT REQUEST

Wayne Myers requests an amendment to Article 1, Section 115 of the UDO to allow the issuance of a zoning permit on lots whose only means of access is through Public Trust Waters (lots do not abut a street or road, but are on an island completely surrounded by water).

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:

Part 1. That the following sections be amended:

Section 115 Every Lot Must Abut a Street or Road

1. No building, structure, or use of land for other than agricultural purposes shall be established on a lot which does not abut a state maintained street or road or a private street as permitted in these regulations, other than lots in the RO2 zoning district, except as provided below:
 - (a) a permit for construction or use within any residential development may be allowed on a lot that does not abut a public or private street, provided such development is platted in

accordance with these regulations, the original development tract, or lot abuts a public or private street in accordance with these regulations, and the resulting lots are provided direct access to a public or private street across common property perpetually maintained for such purposes;

(b) a permit for construction or use within any office, commercial, and industrial development may be allowed on a lot that does not abut a public or private street, provided such development is platted in accordance with these regulations, the original development tract or lot abuts a public or private street in accordance with these regulations, and the resulting lots are provided direct access to a public or private street across common property perpetually maintained for such purposes

(c) a permit for construction may be allowed on a lot that does not about a public or private street provided the lot is on an island completely surrounded by water and its only means of access is through Public Trust Waters.

Part 2. This ordinance amendment shall be in effect from and after the _____ day of _____, 2005.

Chairman, Board of Commissioners

Attest:

Gwen Tatem,
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____

VOTE: _____ AYES _____ NAYES

PLANNING BOARD DATE: July 12, 2005
PLANNING BOARD RECOMMENDATION: _____
Ayes _____ Nays _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____ and _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____

AMENDMENT NUMBER: _____

UNOEE

For Collector Certification That No Delinquent Taxes
Are Due Date 3-28-17 By DS : Certification
expires Jun. 6th of the year following certification date.

Doc ID: 320018
Received: 03/22/2017 01:10:05 PM
Fee Amt: \$88.00 Page 1 of 7
Excise Tax: \$987.00
Currituck County, North Carolina
Dennis A. Hall, Register of Deeds
BK 1400 PG 781 - 787 (7)

TRANSFER TAX AMOUNT 1146.00
DATE/COLLECTOR 3-28-2017

Prepared by and mail after recording to: Thomas P. Nash, IV, 200 N. Water St. #2A,
Elizabeth City, NC 27909

STATE OF NORTH CAROLINA-COUNTY OF CURRITUCK

PIN 0069-000-0023-0000, 0069-000-002A-0000, 0069-000-002B-0000, 0069-000-002C-0000,
0069-000-002D-0000, 0069-000-002E-0000

Excise Tax: \$987.00

THIS DEED IN LIEU OF FORECLOSURE, made this 7th day of March, 2017, by
and between, THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited
liability company, PO Box 1927, Nags Head, NC 27959, Party of the First
Part, and Guy D. Lunsford and wife, JoAnn V. Lunsford, 10722 Acorn Knoll
Court, Burke, VA 22015, Parties of the Second Part;

WHEREAS, Party of the First Part executed a Promissory Note or Notes
dated December 7, 2016 in the original principal amount of \$509,580.07 to
Party of the Second Part, said Promissory Notes being secured by a Deed of
Trust dated December 7, 2016 to Thomas P. Nash, IV, Trustee for the benefit
of Party of the Second Part recorded on December 29, 2016 in Deed Book 1392,
Page 682, in the Currituck County Registry; and

WHEREAS, Party of the First Part is the current holder of said Notes
and Deed of Trust.

W I T N E S S E T H :

That for and in consideration of adequate consideration, said
consideration being cancellation and release of that certain Deed of Trust
from The Currituck Island Company, LLC to Thomas P. Nash, IV, Trustee for
the benefit of Party of the Second Part recorded in Book 1392, Page 682, in
the Currituck County Registry, securing the Promissory Notes in the original
principal amount of \$509,580.07, receipt of which is hereby acknowledged,
the said Party of the First Part by these presents does freely and
voluntarily convey unto the said Parties of the Second Part, their
successors and assigns, the following described land, to wit:

See Exhibit "A" attached.

This deed is being given in lieu of foreclosure of the above-described
Deed of Trust and in consideration of the full satisfaction of all
obligations secured by the above-described Deed of Trust.

1 of 7

Document

See

The Party of the First Part declares that this conveyance is freely and fairly made, and that there are no agreements, oral or written, other than this Deed and Agreement to Convey Real Property between the parties hereto with respect to said land.

TO HAVE AND TO HOLD the aforesaid lands with all rights and privileges thereto belonging or in anywise appertaining unto the said Parties of the Second Part, their heirs, successors and assigns, in fee simple forever.

And the said Party of the First Part for itself and its successors and assigns, covenants to and with the said Parties of the Second Part, their successors and assigns, that it is seized of said lands in fee simple and has a good right to convey the same in fee simple; that the said lands are free and clear of all encumbrances, SAVE AND EXCEPTING those exceptions listed below and that it will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

1. Easements and restrictions of record in the Currituck County Registry.

IN WITNESS WHEREOF, the said Party of the First Part, Grantor, has duly executed the foregoing as of the day and year first above written.

THE CURRITUCK ISLAND COMPANY, LLC

(entity name)

By:

Guy D. Lunsford, Manager

State of Virginia

County/City of Fairfax

I, the undersigned Notary Public of Fairfax County/City and State aforesaid, certify that Guy D. Lunsford personally came before me this day and acknowledged that he is the Manager of THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 10 day of March, 2017.

My Commission Expires: 7/31/2018

Emmanuel Mousba
Notary Public
(Typed or printed name)

(STAMP-SEAL)



2 of 7

Unofficial

THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

By:

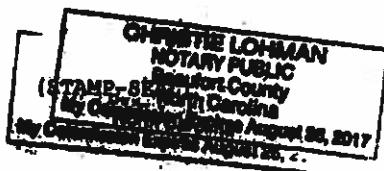
Brad Davis, Manager-Treasurer

State of North Carolina -County/City of Beaufort/Washington

I, the undersigned Notary Public of Beaufort County/City and State aforesaid, certify that Brad Davis personally came before me this day and acknowledged that he is the Manager-Treasurer of THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 14 day of March, 2017.

My Commission Expires: 8/26/17

Christie Lehman
Christie Lehman, Notary Public
(Typed or printed Name)



Official Document

Unofficial Document

3 of 7

THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

By: SAPIENCE INVESTMENTS, LLC, Member

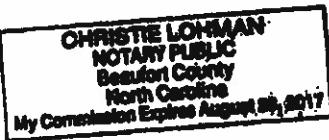
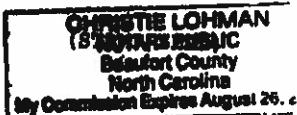
By: Brad Davis
Brad Davis, Manager

State of North Carolina -County/City of Beaufort / Washington
Beaufort County/City and State

I, the undersigned Notary Public of aforesaid, certify that Brad Davis personally came before me this day and acknowledges that he is the Manager of SAPIENCE INVESTMENTS, LLC, a North Carolina limited liability company, Member of THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 14 day of March, 2017.

My Commission Expires: 8/26/17

Christie Lehman
Christie Lehman, Notary Public
(Typed or printed Name)



4 of 7

Official Document

Unofficial Document

THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

RE: BJAM ENTERPRISES, LLC, Number

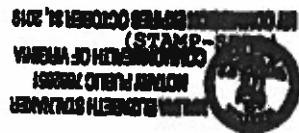
By: Nancy Warner
Nancy Warner, Manager

State of Virginia -County/City of York

I, the undersigned Notary Public of York County/City and State aforesaid, certify that Nancy Warner personally came before me this day and acknowledged that she is the Manager of BJAM ENTERPRISES, LLC, a North Carolina limited liability company, Member of THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 22 day of March, 2017.

My Commission Expires: 10-31-19

Malina G. Stalnaker
Malina G. Stalnaker, Library Public
(Typed or Printed Name.)



5 of 7

Under
THE CURRITUCK ISLAND COMPANY, LLC
(Entity Name)

By: ISLAND VISTA, LLC, Member

By: *Guy D. Lunsford*
Guy D. Lunsford, Manager

State of Virginia -County/City of Fairfax

I, the undersigned Notary Public of Fairfax County/City and State aforesaid, certify that Guy D. Lunsford personally came before me this day and acknowledged that he is the Manager of ISLAND VISTA, LLC, a North Carolina limited liability company, Member of THE CURRITUCK ISLAND COMPANY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 10 day of March, 2017.

My Commission Expires: 7/31/2018

Erin Younger
Notary Public
(Typed or printed Name)

(STAMP-SEAL)

F:\Doc\Darrell\Deeds\Lunsford-Currituck Isl\Deed in Lieu



6 of 7

EXHIBIT "A"

All those certain lots or parcels of land situated in Crawford Township, Currituck County, North Carolina and more particularly described as follows:

TRACT ONE:PARCEL ONE:

All that certain lot of land shown and delineated on that certain map or plat thereof, entitled in part "A RAY MEGGINSON & DENYSE B. MEGGINSON LAND," Crawford Township, Currituck Co., North Carolina, prepared by Benjamin M. Evans, Jr., Inc. Professional Engineer-Land Surveyor, under date of 23 July, 2001 and duly recorded in Plat Cabinet G, Slide 319 of the Currituck County Public Registry.

Same being the property conveyed to Lewis W. Parker, Jr., by deed dated August 31, 2001, and duly recorded in Book 543, Page 312 of the Currituck County Registry, to which reference is made for a more particular description.

PARCEL TWO:

All that certain parcel of land lying and being in the Village of Barco, Crawford Township, Currituck County, North Carolina, adjoining other lands of Lewis W. Parker, Jr. and being more particularly described as follows:

Beginning at a point lying in the bulkhead on the North side of a canal running into Coindock Bay, said point of beginning marking the Southernmost corner of the property conveyed to the said Lewis W. Parker, Jr. by deed dated August 31, 2001 recorded in Book 543, Page 312 of the Currituck County Registry, thence running along the North side of said canal along the bulkhead South 73 deg. 14 min. 00 sec. West 20.08 feet to a point; thence North 21 deg. 57 min. 00 sec. East 96.72 feet to a point; said line running along the Eastern edge of another canal running in a Northerly direction; thence North 72 deg. 12 min. 50 sec. East 20.05 feet to the Northwestmost corner of the said parcel conveyed to Lewis W. Parker, Jr. as referenced above, said point also marking the SouthWestermmost corner of the lands now or formerly owned by Victor M. Quintoro by deed recorded in Deed Book 209, Page 435 of the Currituck County Registry; thence along the West line of the said Lewis W. Parker, Jr. South 21, deg. 57 min. 00 sec. East 97.08 feet to the point or place of beginning.

Said parcel being the Southernmost portion of what is referred to as "Simpson Road," which is an easement to approximately twenty feet (20') in width.

Together there is also conveyed hereby a personal nonexclusive easement for use of the canal lying immediately West of said parcel, made expressly subject to any other persons to whom a similar easement for use has been granted.

Same being a portion of the "First Tract" described in and conveyed by the said Charles D. Simpson and wife, Katherine L. Simpson by deed dated July 27, 1945, and recorded in Book 75, Page 157, Public Registry of Currituck County, North Carolina, the said Katherine L. Simpson being the surviving spouse of Charles D. Simpson who died March 24, 1992, a resident of Currituck County, North Carolina.

Said parcel lying immediately West of and abutting the lands conveyed by the said Charles D. Simpson and wife, Katherine L. Simpson to A.B. Megginson and wife, Eugenia B. Megginson, subsequently conveyed to A. Ray Megginson and Denyse B. Megginson, husband and wife, who conveyed same to Lewis W. Parker, Jr. by deed dated August 31, 2001 and recorded in Book 543, Page 312 of the Currituck County Registry.

For further reference see map or plat made from a survey by Benjamin M. Evans, Jr., Inc., Professional Engineer-Land Surveyor, entitled "A. Ray Megginson & Denyse B. Megginson Land, Crawford Township, Currituck Co., North Carolina," filed in Plat Cabinet G, Slide 319 of the Currituck County Registry.

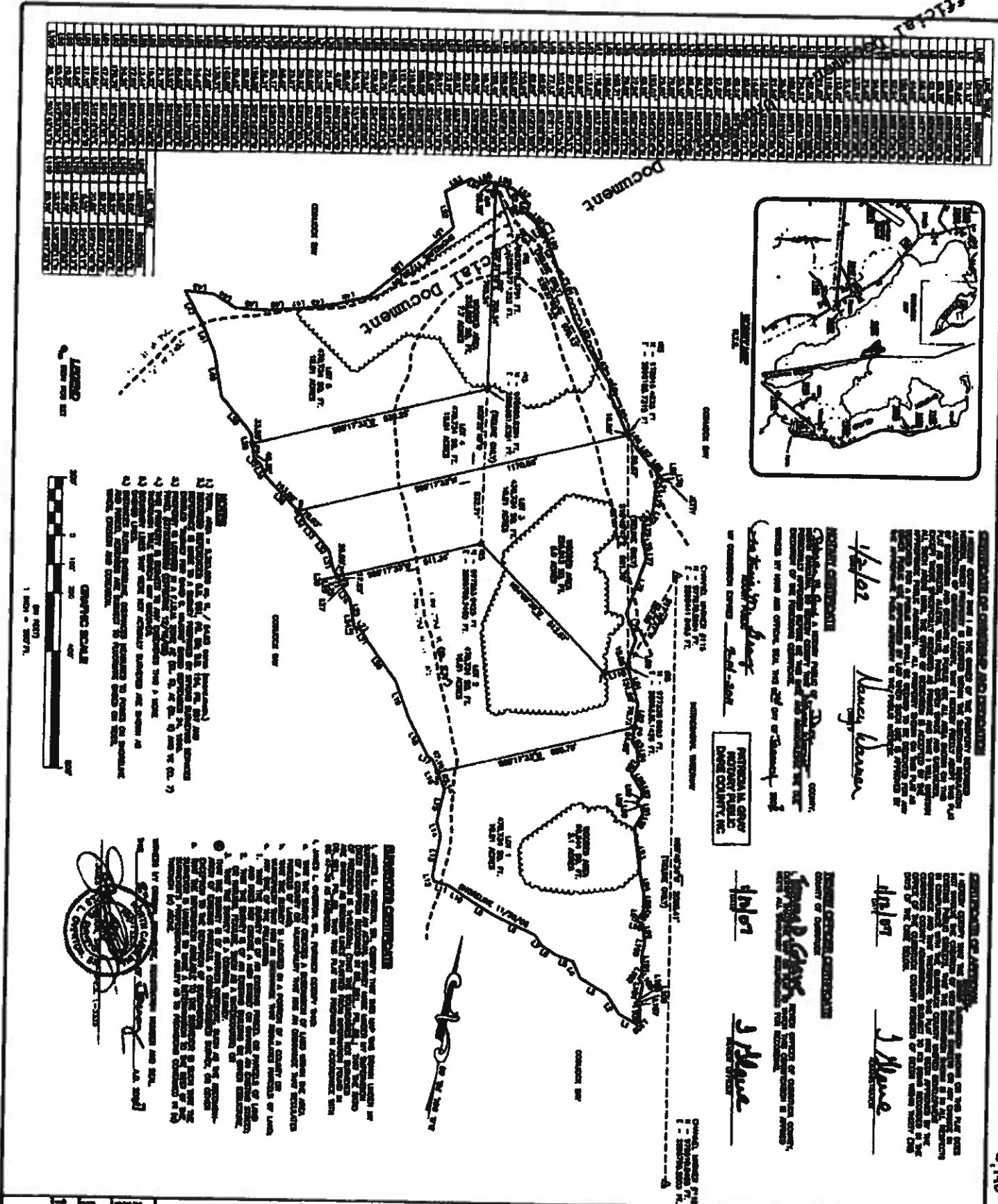
TRACT TWO:

Being all of Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5 as shown and delineated on that certain plat prepared by Charles L. Overton, Sr., P.L.S., under date of October 19, 2006, entitled in part "Long Point," recorded in Plat Cabinet J, Slide 140, Currituck County Registry.

7 of 7

Find the registration on Wednesday, 12-29-67
at 12:30 P.M. at the ADA, P.M.
Per Order of Page 142
Charles V. Dickey Eric P. Cleary
Register of Deeds Attala County

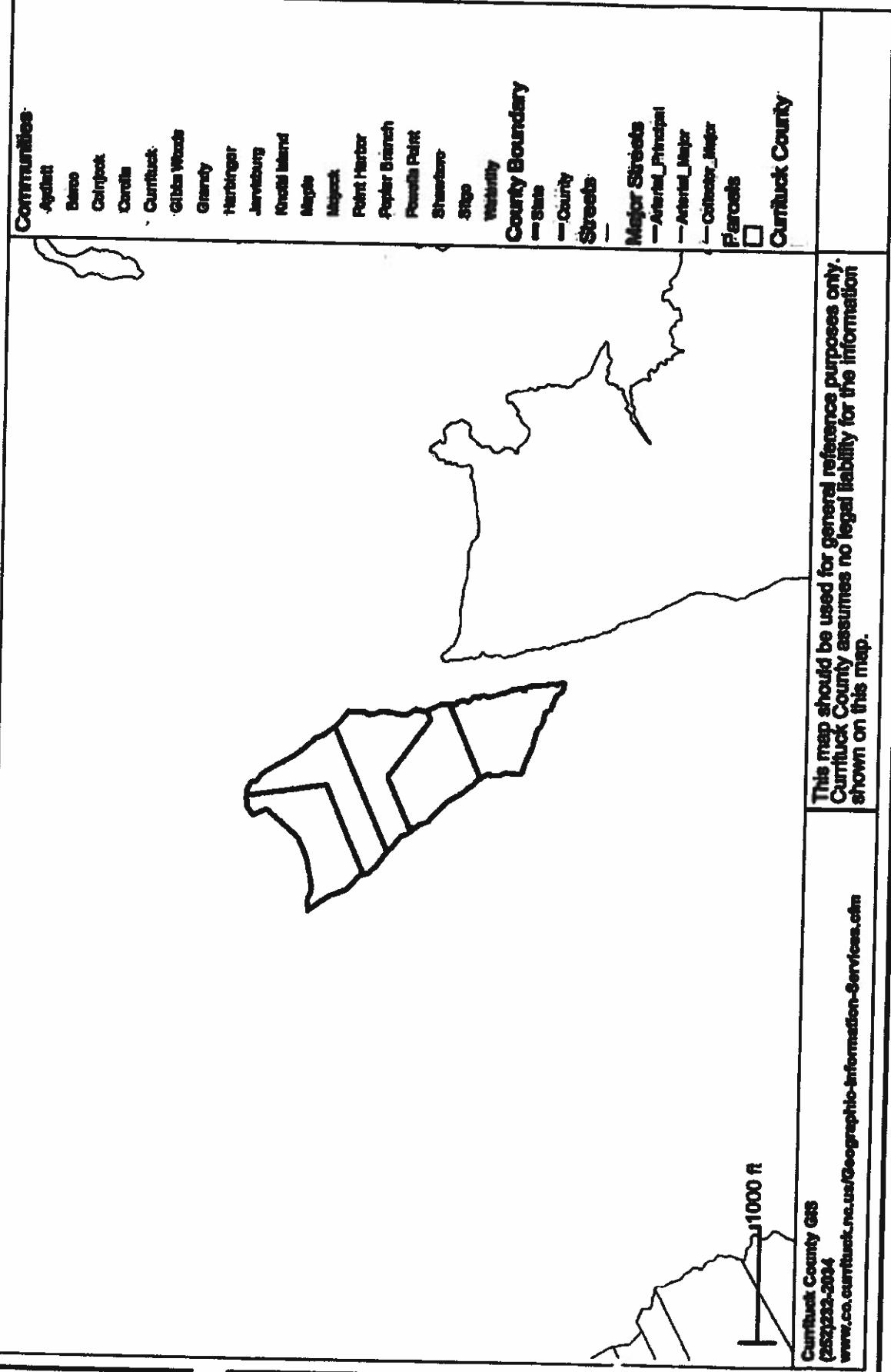
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Currituck County GIS Online Mapping



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PROJET
4/15/90 - 4/15/91

E-84-8885 13:00 EXLT OUTR BANKS RELTY 2522558464



DEPARTMENT OF INSPECTION

Currituck County
Currituck, N.C. 27929

August 31, 1990

Roy Nell
521 Wilder Drive
Virginia Beach, VA 23451

Dear Mr. Nell:

As per our phone conversation this morning, we have no problem issuing a building permit for Long Point Island in Currituck Sound being we have approval from CMAA and Army Corps of Engineers.. After obtaining a septic tank permit and we are presented with a complete set of plans, as of this date, we will be able to issue a building permit.

Any changes in the future could change the possibility of issuing a building permit.

If you should have any questions concerning this please contact our office at 232-3378.

Sincerely,

A handwritten signature in cursive script that appears to read "C. V. Payne".

C.V. Payne
Chief Building Inspector



State of North Carolina
 Department of Environment, Health and Natural Resources
 Division of Coastal Management
 Highway 17 South • Elizabeth City, North Carolina 27909

James C. Martin, Governor
 William W. Cobey, Jr., Secretary

Roger N. Schettler
 Director

July 10, 1990

Roy M. Niel
 521 Wilder Drive
 Virginia Beach, VA 23451

Dear Mr. Niel:

Please reference the onsite meeting with Ralph Thompson of the U. S. Army Corps of Engineers on July 9, 1990 at your island property near Barco in Currituck County. The three proposed home sites on your island are not within the 75 ft. Estuarine Shoreline Area of Environmental Concern and do not impact any coastal marsh on the island. As currently proposed, no CAMA permits will be required for the construction of homes on the three sites.

Any other structures, such as, walkways, piers, bulkheads, boat houses, etc., within 75 ft. of the normal water level or located in any coastal marsh will require CAMA authorization. Most of these structures maybe authorized under a CAMA General Permit issued through this office. If you have further questions or if your plans change please feel free to call myself or Todd Hall at (919) 264-3901.

Sincerely,

Pete Colwell

Peter B. Colwell
 Field Representative I

PBC/dc

cc: File

Route 6 Box 200, Elizabeth City, North Carolina 27909 Telephone 919-264-3901

An Equal Opportunity Affirmative Action Employer

PP666

JOHN H. SLEUGHE, JR. M. D.
Director

Phone No.
Cointock 232-2871
Area Code (919)



CURRITUCK COUNTY
HEALTH DEPARTMENT
CURRITUCK, N. C. 27929

August 30, 1990

Roy M. Neil
521 Wilder Drive
Virginia Beach, Va. 23431

Re: Long Point Island, Cointock, N.C.

Dear Mr. Neil:

On October 25, 1989 I visited the above site with you present, to determine suitability and adequate area for septic tank disposal system. I informed you to consult with the Army Corps of Engineers and OAMA officials to determine setbacks from wetlands. I received letters from both agencies on August 30, 1990 indicating that the three areas checked are not within the wetlands area nor within the 75 ft. Estuarine Shoreline Area of Environmental Concern.

Results of the site evaluation done 10/25/89 is as follows:

Area 1 (approx. 30'x75') - Filled Soil, Soil Wetness at 36 inches

Area 2 (approx. 30'x 60') - Filled Soil, Soil Wetness at 24 inches

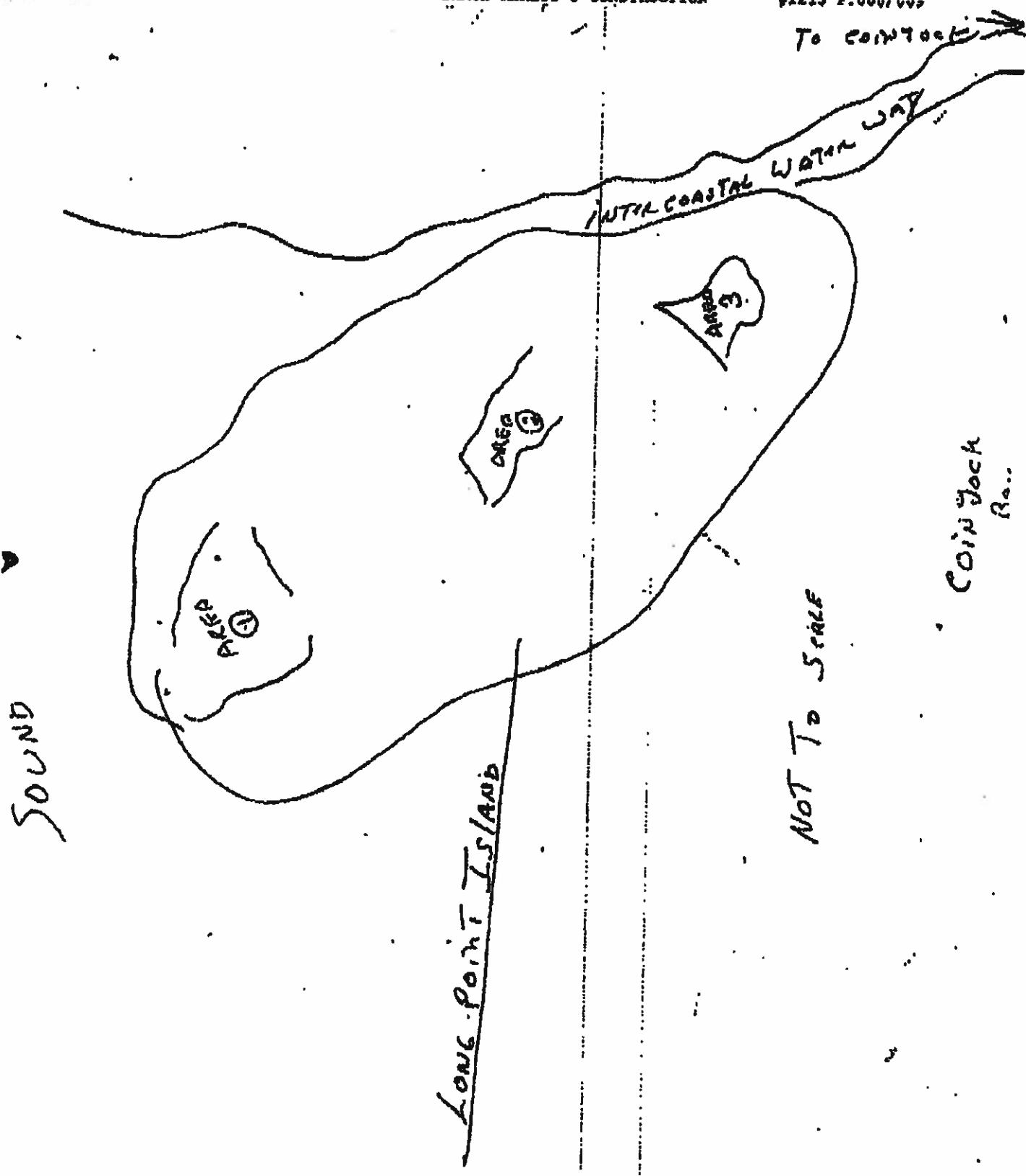
Area 3 (approx. 30'x 60') - Filled Soil, Soil Wetness at 24 inches

Areas two and three will need 18 to 24 inches of fill. However, before any modifications are done please provide this department with plat showing the exact areas with measurements for the septic tank systems, and make application for septic tank permits providing information necessary for me to figure size of systems. Due to limited space available on these areas checked and the soil profile, system sizes will be limited to three bedroom houses.

Sincerely,

John N. Baum, R. H.
Environmental Health Coordinator

Enclosure: 1
cc: Jack Simoneau, Pl./Zoning Dir.
Vincent Payne, Bldg. Insp.



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00-04-2005 12:59 EXIT COUNTER BANKS RELTY 25225044

**DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1889
WILMINGTON, NORTH CAROLINA 28402-1889**

August 13, 1990

REPLY REFER TO

Regulatory Branch

SUBJ/CT: CESAW-0090-0-027-Long Point Island

Mr. Roy M. Niel
521 Wilder Drive
Virginia Beach, Virginia 23451

Dear Mr. Bial:

Please reference your meeting on July 9, 1990, with Mr. Ralph Thompson of my staff on your property at Long Point Island, off of the Intercoastal Waterway near Cointock, Currituck County, North Carolina. Mr. Peter Colwell and Mr. Todd Ball of the Division of Coastal Management were also present during the meeting.

Inspection of the property revealed that no wetlands exist within the limits of the property staked for septic tank installation, as shown on the survey dated July 23, 1978. Accordingly, no Department of the Army (DA) authorization is required for any work proposed within the three staked areas which were inspected. Please be aware that jurisdictional wetlands exist at other locations on the property, and the discharge of dredged or fill material within these areas would require prior DA authorization. No Department of the Army permit is required to install pile-supported structures within wetlands subject to regulation under Section 404 of the Clean Water Act, provided such work is accomplished without the discharge of dredged or fill material. Pile-supported structures extending below the mean high water mark or ordinary high water would require prior DA authorization under Section 10 of the Rivers and Harbors Act of 1899.

If you should have any questions concerning this matter, please contact Mr. Thompson at the Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina 27889-1000, or telephone (919) 975-3694.

sincerely,

Clifford W. Wrenn
Mr. Wayne Wright
Chief, Regulatory Branch



**State of North Carolina
Department of Environment, Health, and Natural Resources
Division of Marine Fisheries
P.O. Box 769 • Morehead City, North Carolina 28557-0769**

James C. Martin, Governor
William W. Cobey, Jr., Secretary

30 August 1991

William T. Hayirth, Director
(919) 726-7021

CERTIFIED
P 397 963 681

Mr. Roy M. Niel, Jr.
521 Wilder Drive
Virginia Beach, VA

Re: NIEL, ROY M. JR.
CUR-0006-000-C001

Dear Mr. Nicol:

Consistent with the authority vested in me by the Secretary of the Department of Environment, Health, and Natural Resources, I have recently reviewed the G.S. 111-205 claim to submerged land filed by Linald R. Caroon and Saint Elmo Caroon on or before 1 January 1970. In my review, I have consulted with representatives of the Attorney General's Office. This letter addresses only the land or lands described herein. If your claim also concerned other lands now described in this letter, these portions of your claim will be addressed under separate correspondence.

The below description leads us to the finding that no portion of this property is submerged or beneath navigable waters and therefore, not within the scope of G.S. 113-205.

61.2 acre island on Coinjock Bay and Currituck Sound plus right of way to shoreline as described in Book 154 Page 557, recorded in the Register of Deed's Office in Currituck County.

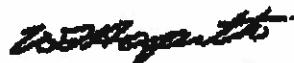
Because this property is adjacent to navigable waters, you may have certain riparian rights such as the right to build a pier for access to open water. These rights are inherent in the land itself and are not affected by a finding that the property described does not include any navigable waters. These riparian rights do not

PAGE 3
Mr. Roy M. Niel, Jr.
Page 2
30 August 1991

include the right to exclude any member of the general public from exercising their public trust rights. Should you wish to contest this determination, G.S. 113-206(e) allows you three (3) years from the date of your receipt of this notice to file civil action in the Superior Court of the county in which the property is located.

Thank you for your patience while your claim was resolved. If you have any questions concerning this matter, please contact P.A. Wojciechowski, Director of the Submerged Lands Program at the letterhead address, or by telephone at 1-800-682-2632 (in North Carolina) or 919-726-7021.

Sincerely,



William T. Hogarth, Ph.D.
Director

WTH/jjp

cc: P.A. Wojciechowski
cc: Attorney General's Office



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2607)

Agenda Item Title

PB 18-23 Fost PD-R, Amended:

Brief Description of Agenda Item:

Convert 72 two-sided townhomes (multi-family) into 35 rear-loaded townhomes (multi-family), add 3 additional single-family dwelling units, remove alley-ways and some roadways, provide additional connectivity to the tract to the north, modify phasing schedule, and other plan revisions, PIN 0015-000-0086-0000, Moyock Township.

Board Action Requested

Action

Person Submitting Agenda Item

Tammy Glave,

Presenter of Agenda Item

Tammy Glave



**STAFF REPORT
PB 18-23 FOST TRACT AMENDED PD-R
PLANNING BOARD
OCTOBER 8, 2019**

APPLICATION SUMMARY

Property Owner: Sandra Davis Fost and Iris Ann O'Connor 121 Soundshore Dr Currituck NC 27929	Applicant: Allied Properties LLC 417 Caratoke Hwy Unit D Moyock NC 27958
Case Number: PB 18-23	Application Type: Amended Planned Development - Residential
Parcel Identification Number: 0015-000-0086-0000	Existing Use: Cultivated Farmland
Land Use Plan Classification: Full Service	Parcel Size (Acres): 228.83
Moyock Small Area Plan Classification: Limited Service	Zoning History: 1989 (A), 1974 (A-40), 1970 and 1971 (RA-20), 2019 (PD-R)
Current Zoning: PD-R	Proposed Zoning: Amended PD-R
Request: Convert 72 two-sided townhomes (multi-family) into 35 TND townhomes (multi-family); increase SFD lots from 350 to 353, remove alley-ways; remove some roadways; provide additional connectivity to the tract to the north; modify the phasing schedule; increase front setback and maximum building size for TND townhomes (multi-family); reduce minimum lot size, typical lot size, and minimum lot width for TND single-family lots; increase maximum setback and lot coverage for TND single-family lots; decrease minimum lot size, typical lot size, minimum lot width, and typical lot width for CONV. Single-family lots; increase maximum setback and lot coverage for CONV single-family lots; lower minimum right-of-way width for typical divided boulevards and provide a range for width.	

REQUEST

NARRATIVE

On May 6, 2019, the Board of Commissioners approved a Planned Development – Residential (PD-R) for this property. The developer is requesting the following amended PD-R proposal:

	Approved	Proposed
Two-sided townhomes	72	0
Multi-Family (Rear-loaded townhomes)	91	126
Single-Family (TND/Conv SF)	350	353
Neighborhood commercial	22,000 sf	22,000 sf
Total dwelling units	513	479

The developer states that the market no longer supports two-sided townhomes, and that is why he is requesting to convert the 72 two-sided townhomes (multi-family) into 35 rear-loaded townhomes

(multi-family). The developer is also increasing single-family dwelling units by three. This will lower overall dwelling unit count to 479. The developer also indicates that he is refining the plan by:

- Eliminating alley-ways and some roadways;
- Providing additional connectivity to the tract to the north; and,
- Modifying the phasing schedule.

After staff review of the master plan, and the terms and conditions, the amended plan also:

- Increases front setback and maximum building size for TND townhomes (multi-family);
- Reduces minimum lot size, typical lot size, and minimum lot width for TND single-family lots;
- Increases maximum setback and lot coverage for TND single-family lots;
- Decreases minimum lot size, typical lot size, minimum lot width, and typical lot width for CONV Single-family lots;
- Increase maximum setback and lot coverage for CONV single-family lots; and,
- Lowers minimum right-of-way width for typical divided boulevards and provide a range for width.

COMMUNITY MEETING

A community meeting was held on June 24, 2019 at 6:00 pm at the Moyock Library. One member of the community attended the meeting. Primarily questions were regarding drainage, traffic, and Ranchland having only one point of access.

SURROUNDING PARCELS

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

LAND USE PLAN

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

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

MOYOCK SMALL AREA PLAN

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

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

Drainage and Utilities

County Engineer Comments

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

RECOMMENDATION

Technical Review Committee

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

- Net density change: -37 dwelling units.
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

CONSISTENCY AND REASONABLENESS STATEMENT

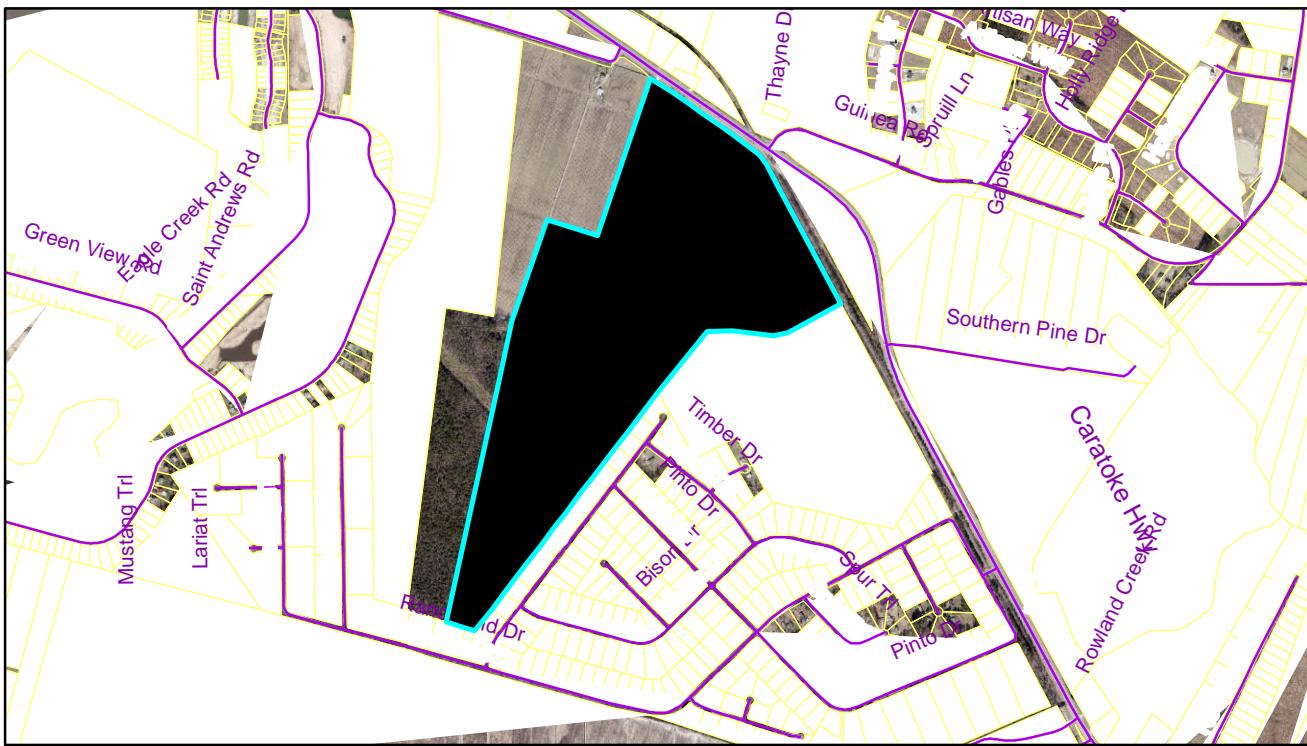
A conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

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

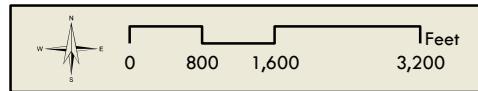
- It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C.
- The conditions placed on the development will improve drainage problems on the property and within nearby Ranchland and Eagle Creek Subdivisions if improvements can be made to drainage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

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

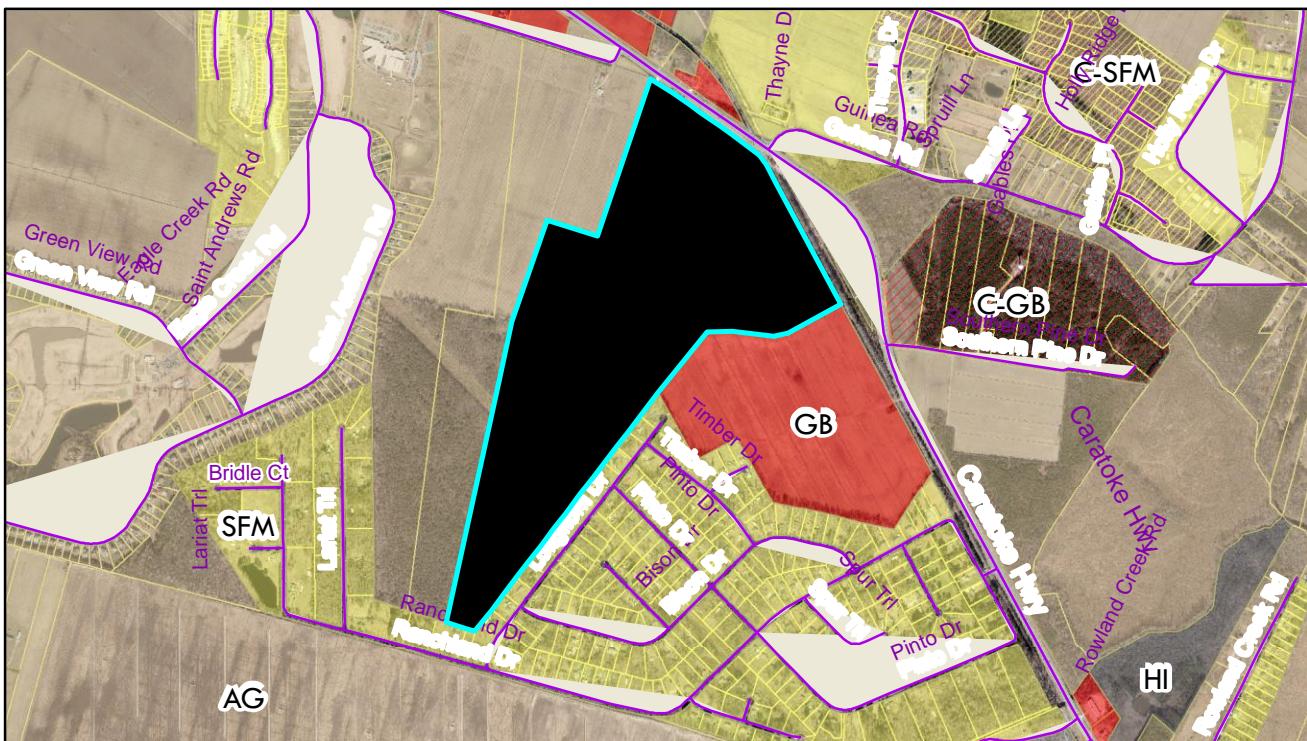
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/planning-board -minutes-current.cfm



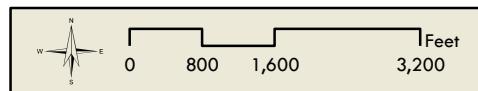
PB 18-23 Post
Amended PD-R Zoning
2016 Aerial Photography



Currituck County
Planning and
Community Development

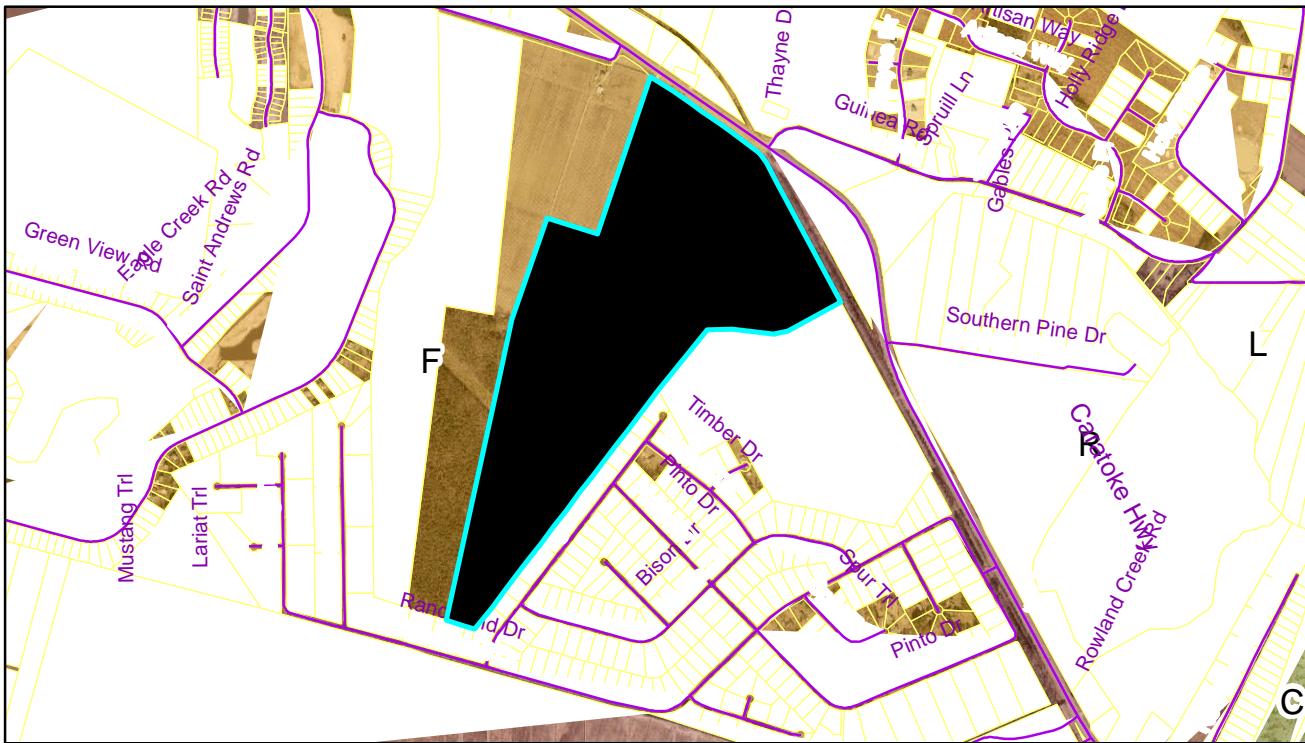


PB 18-23 Post
Amended PD-R Zoning
Zoning

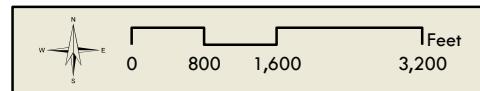


Currituck County
Planning and
Community Development

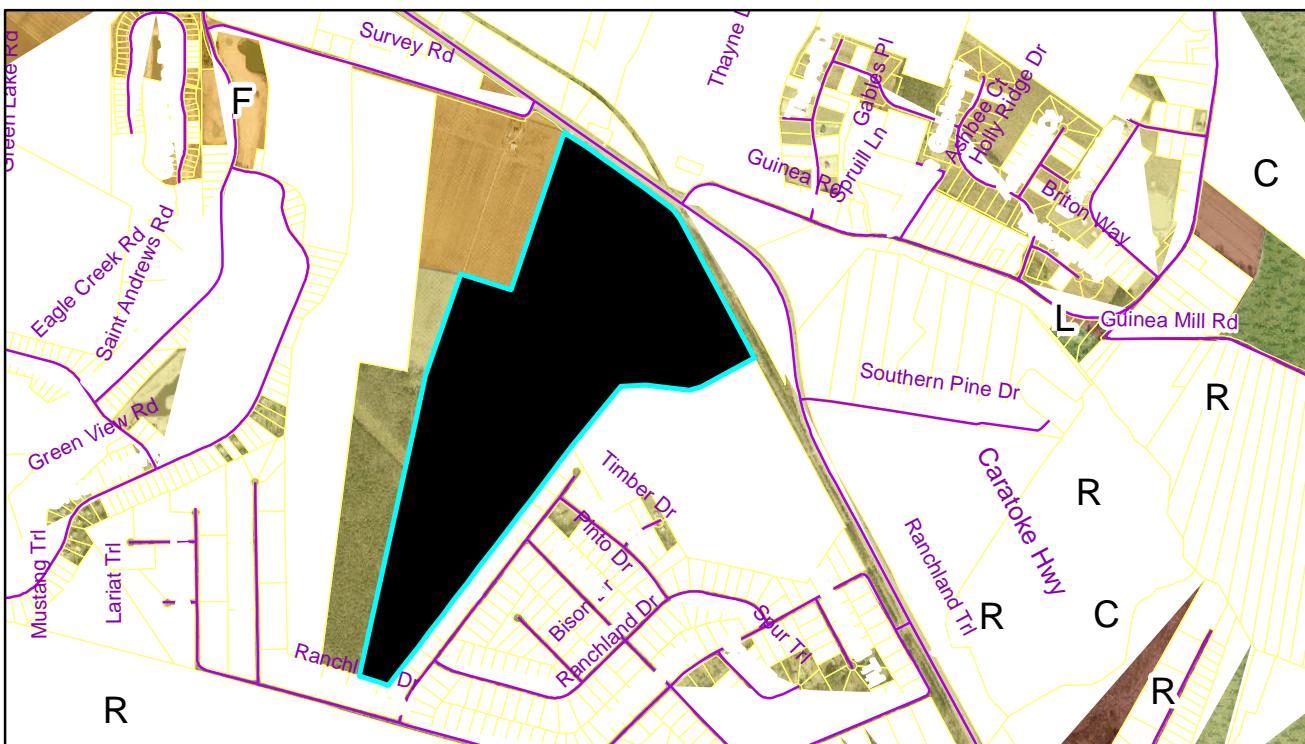
PB 18-23 Post Tract
Amended PD-R Zoning
Page 4 of 6



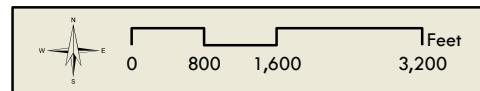
PB 18-23 Post
Amended PD-R Zoning
LUP Classification



Currituck County
Planning and
Community Development



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



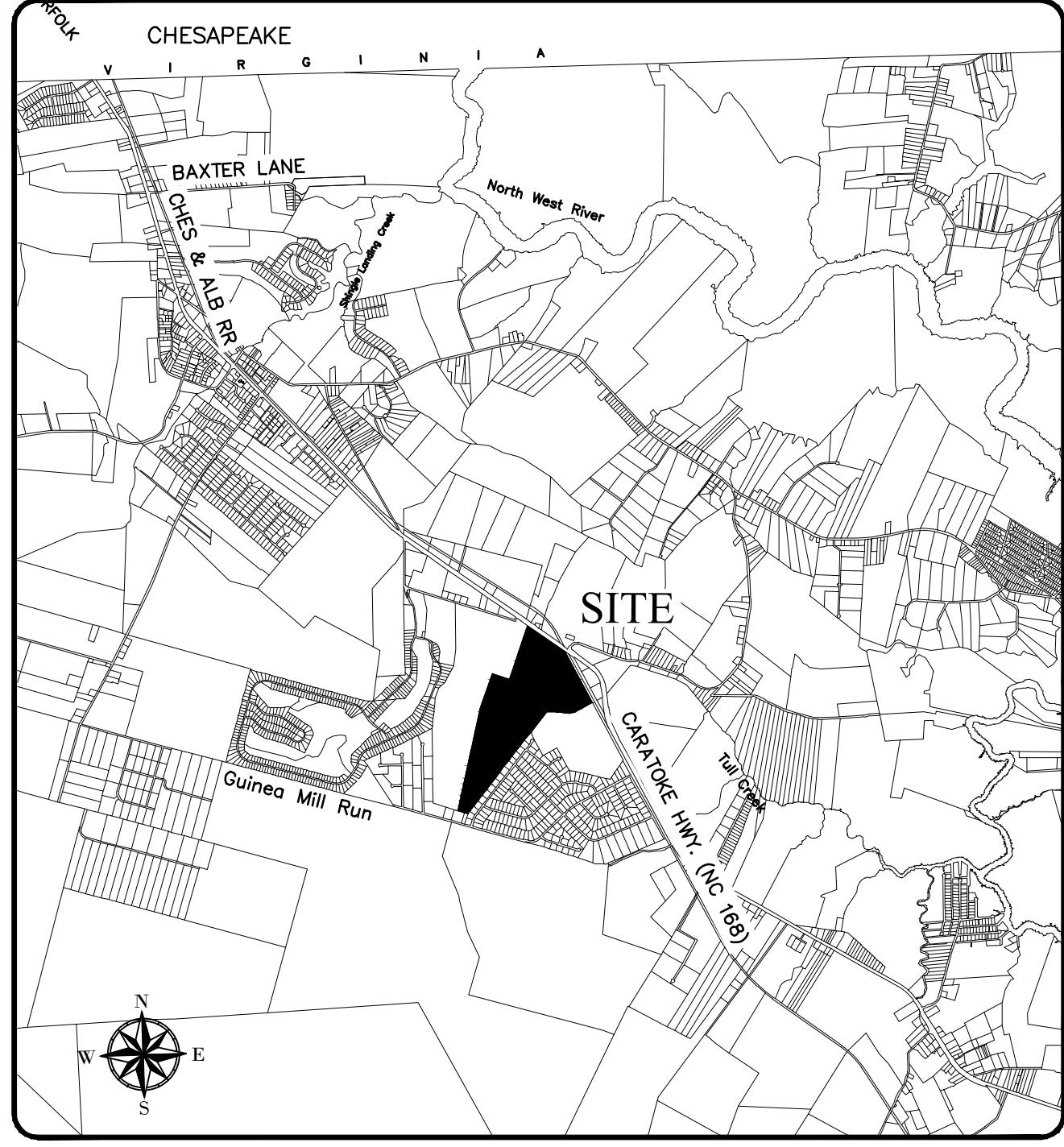
Currituck County
Planning and
Community Development

Approved Development Standards and Setbacks

<u>DEVELOPMENT STANDARDS & SETBACKS</u>				
<u>STYLE:</u>	<u>2-SIDED T.H.</u>	<u>TND T.H.</u>	<u>TND SF LOT</u>	<u>CONV. SF LOT</u>
Min Lot Size:	800 SF	1,800 SF	8,000 SF	10,000 SF
Typ. Lot Size:	800 SF	1,800 – 3,000 SF	8,000 – 10,000 SF	10,000 – 17,600 SF
Min. Lot Width:	22'	20'	50'	60'
Typ. Lot Width:	22' – 24'	20' – 25'	50' – 60'	65' – 100'
Front Setback:	N/A	20'	20'	20'
Side Setback:	0	0	10'	10'
Rear Setback:	N/A	20'	20'	25'
Corner Side Setback:	15'	15'	15'	15'
Maximum Setback:	N/A	25'	25'	35'
Maximum Height:	35'	35'	35'	35'
Maximum Bldg. Size:	4,800 SF	6,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	100%	40%	35%

Proposed Development Standards and Setbacks

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



VICINITY MAP SCALE: 1" = 5,000'

GENERAL DEVELOPMENT NOTES

- PROPERTY OWNER: SANDRA D. FOST & IRIS A. O'CONNOR
121 SOUNDSHORE DRIVE
CURRITUCK, NC 27929
- APPLICANT: ALLIED PROPERTIES, LLC
417-D CARATOKE HIGHWAY
MOYOCK, NC 27958
- PROPERTY DATA: ADDRESS: CARATOKE HIGHWAY, MOYOCK, NC 27958
PIN: 0015-000-0086-0000
RECORD: D.B.13, PG:E/12
ACREAGE: 228.83 ACRES
- ZONING: EXISTING: PLANNED DEVELOPMENT – RESIDENTIAL (PD-R)
- THE DEVELOPER SHALL DESIGN AND CONSTRUCT OR INSTALL REQUIRED OR PROPOSED ON-SITE PUBLIC FACILITIES IN COMPLIANCE WITH APPLICABLE COUNTY, STATE AND FEDERAL REGULATIONS.
- THE DEVELOPER SHALL DEDICATE TO THE PUBLIC THE RIGHT-OF-WAYS AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OR INSTALLATION OF REQUIRED OR PROPOSED ON-SITE PUBLIC FACILITIES IN COMPLIANCE WITH APPLICABLE COUNTY, STATE AND FEDERAL REGULATIONS.

THE FOST TRACT

PLANNED DEVELOPMENT - RESIDENTIAL

AMENDED MASTER PLAN

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

OBJECTIVE:

To build a community that has a creative design, providing a mix of different residential uses in close proximity to one another, while at the same time providing an efficient use of open space that promotes an active lifestyle and strong sense of community. Limited, small scale commercial uses are proposed, primarily to serve the needs of the residents in this development.

SHEET

1
2
3
4
5

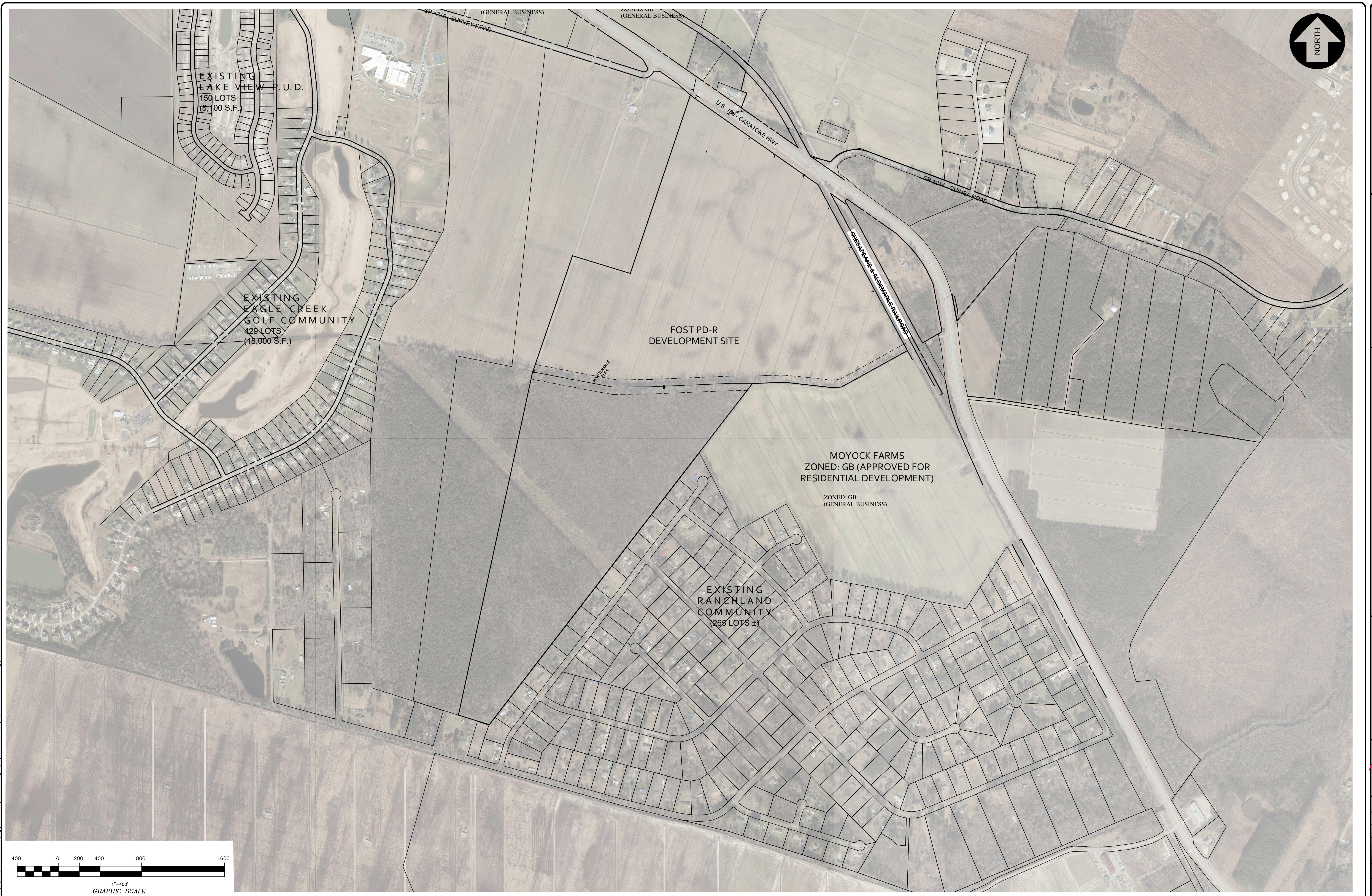
DESCRIPTION

COVER SHEET & DEVELOPMENT NOTES
DEVELOPMENT SETTING/CONTEXT
AMENDED DEVELOPMENT PLAN
PRELIMINARY DEVELOPMENT PHASING OVERVIEW
PRELIMINARY DEVELOPMENT UTILITY OVERVIEW

REVISIONS		PROJECT: THE FOST TRACT PD-R		COVER SHEET	
NO.	DATE	DESCRIPTION	BY:	MOYOCK TOWNSHIP	DEVELOPMENT NOTES
1	6/26/19	FC COMMENTS	BY:	CURRITUCK COUNTY	
2	6/26/19	FC COMMENTS	BY:		
3			BY:		
4			BY:		
5			BY:		
AMENDED MASTER PLAN					

PRELIMINARY FOR REVIEW PURPOSES ONLY

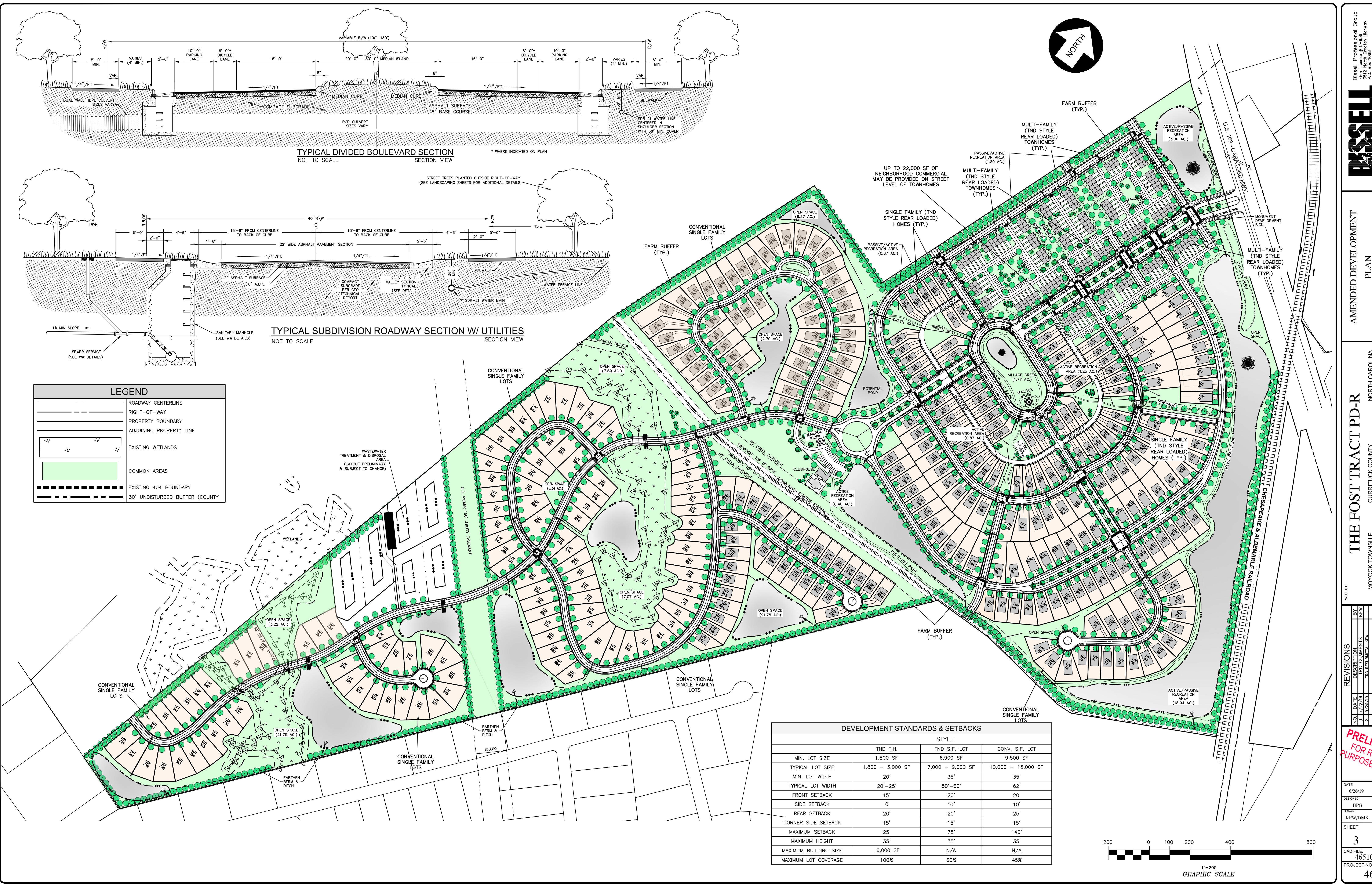
DATE: 6/26/19	SCALE: AS NOTED
DESIGNED BY: BPG	CHECKED BY: MSB
APPROVED BY: KPW/DMK	APPROVED BY: BPG
SHEET: 1 OF 5	
CAD FILE: 465100MP1	
PROJECT NO: 4651	



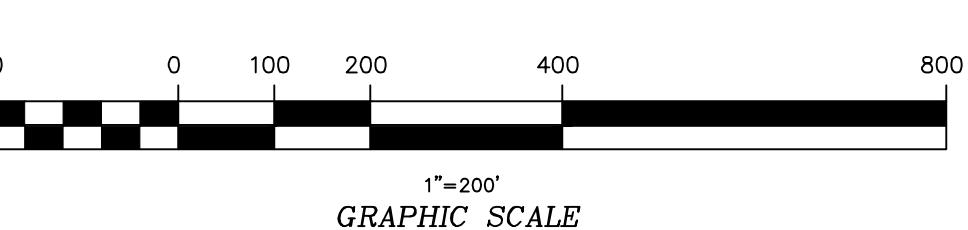
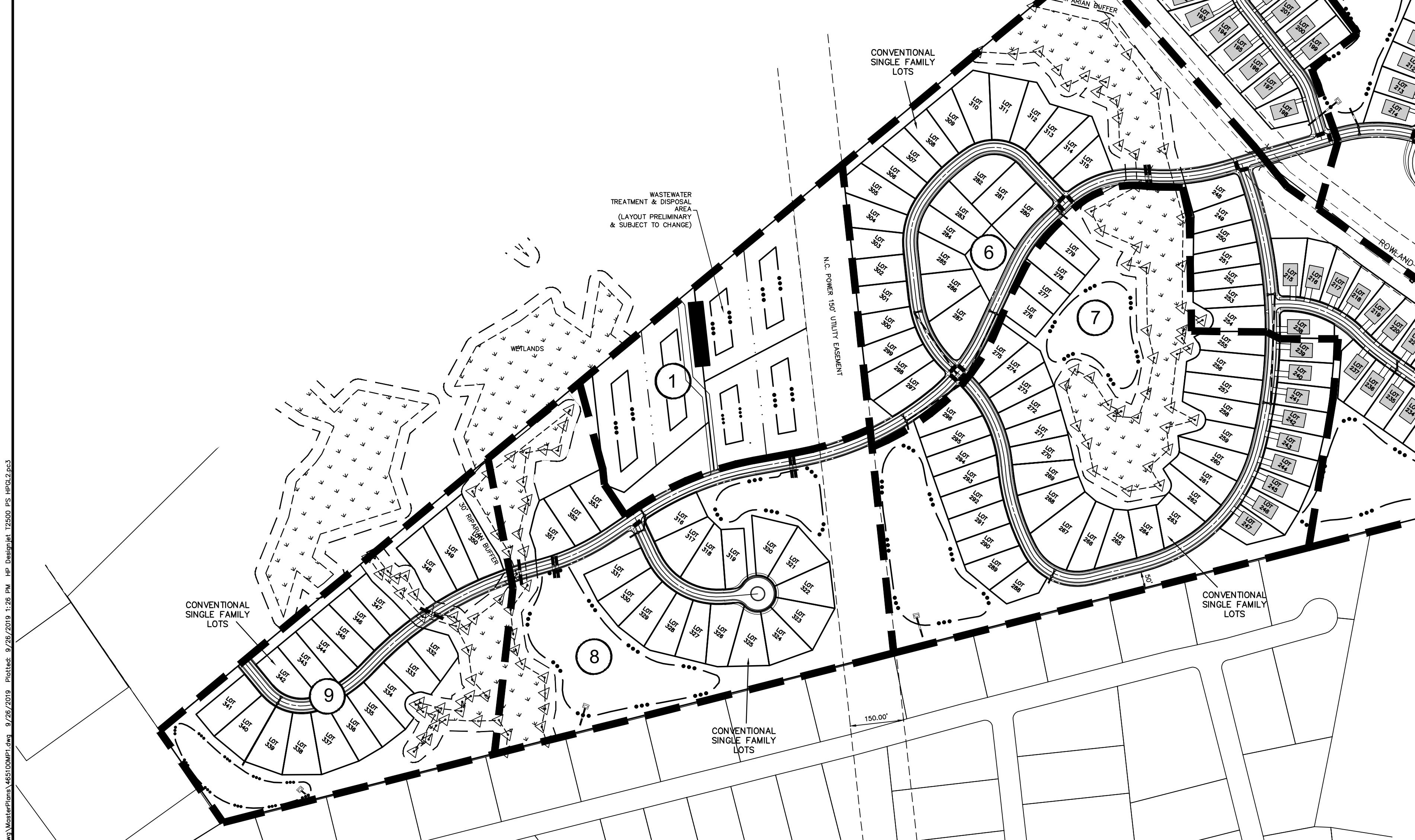
BISSELL PROFESSIONAL GROUP
Bissell Professional Group
Firm of Engineers, Surveyors
and Environmental Specialists
352 North Carolina Highway
P.O. Box 1068
Cary, North Carolina 27599
(919) 261-2256
(252) 261-1760

PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

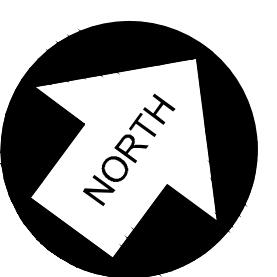
Attachment: 2-9-26-19-4651 MASTER PLAN SET (PB 18-23 Fost Amended PD-R)



PHASING SCHEDULE								
PHASE	AREA (AC.)	DEVELOPMENT	TND T.H.	TND S.F.	CONV. S.F.	TOTAL	OTHER IMPROVEMENTS	
		INTENSITY (D.U./AC.)						
1	39.7	1.79	25	12	34	71	Rowland Creek Improvements, WWTP	
2	33.1	1.96	19	9	37	65	Main Lake (Completion)	
3	29.2	1.88	16	14	25	55	Village Green & Clubhouse	
4	19.9	3.67	27	7	39	73	Multi-Use Path	
5	14.4	2.57		17	20	37	Swimming Pool	
6	39.7	1.99	21		58	79	Up to 22,000 SF Neighborhood Commercial	
7	23.8	2.56	18		43	61		
8	17	1.12			19	19		
9	12	1.58			19	19		
TOTALS	228.8	2.09	126	59	294	479		
OPEN SPACE	86.71 AC.±	(37.3% ±)						



REVISIONS		AMENDED DEVELOPMENT	
		DATE: 6/26/10	SCALE: 1" = 200'
PROJECT: THE FOST TRACT PD-R		DESIGNED: BPG	CHECKED: MSB
		DRAWN: KFW/DMK	APPROVED: BPG
		SHEET: 4	OF: 5
		CAD FILE: 465100MP1	PROJECT NO.: 4651
<p>PRELIMINARY FOR REVIEW PURPOSES ONLY</p> <p>THIS DOCUMENT IS THE SOLE PROPERTY OF BPG, INC. OF KITTY HAWK, NORTH CAROLINA. THE REPRODUCTION, IN WHOLE OR PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF MARK S. BISSELL, PRINCIPAL OF BPG, INC., COPYRIGHT 2005.</p>			



**DOMINION POWER
FULL CUTOFF LUMINAIRE**

ROUND TAPERED COMPOSITE POLE

PULL BOX AS NECESSARY

DIRECT EMBEDDED FOR USE WITH
UNDERGROUND SUPPLY CONDUCTORS ONLY.
EMBEDMENT DEPTH PER MOUNTING HEIGHT
REQUIREMENTS PER MANUFACTURER

TYP. STREET LIGHT DETAIL

NOT TO SCALE LOCATION AS NOTED ON PLAN

LOCATED @ 200'-500' INTERVALS AND AT
CROSSWALKS (BOTH SIDES OF DIVIDED
BOULEVARDS; ONE SIDE ON STANDARD
STREETS.)

TREATMENT

200 0 100 200 400 800

1"=200'

GRAPHIC SCALE

PRELIMINARY DEVELOPMENT RAINAGE & UTILITY OVERVIEW

RECOMMENDED MORTGAGE LENDER

et Pg. 85

Amended Terms and Conditions

- a. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the Phasing Plan for the development. Notwithstanding the forgoing, the first phase of development shall not exceed seventy-one (71) residential units.
- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached), subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance will be connected directly to N.C. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000. Roadways shall be laid out generally as shown on the Amended Master Plan and Schedule C.
- f. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on N.C. Highway 168 which will be tapped and looped through the site. Fire Protection shall be provided in accordance with UDO standard and the applicable Insurance Service Office standards. Individual lots and dwellings shall be metered. The Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the maximum day domestic demand.
- g. Wastewater: Land has been set aside for the construction of a centralized wastewater treatment and disposal facility that may be constructed on site in accordance with NCDEQ Standards and approved by NCDEQ. A regional wastewater system may become available to provide wastewater service to this development. If so, this offsite wastewater connection will be the preferred method of wastewater service, and the land that was set aside for wastewater

disposal may be utilized for lot development as shown on the Amended Master Plan and has been set aside for the construction of a centralized wastewater treatment and disposal facility that may be constructed in accordance with NCDEQ Standards and approved by NCDEQ. A wastewater collection system will be constructed by the Developer and managed by a wastewater utility. If a wastewater system is constructed on site, the utility will be regulated by the North Carolina Utilities Commission and will apply for a Certificate of Public Necessity and Convenience. If an off-site wastewater service becomes available (either a private system approved by Currituck County or the County System), the development may connect to the off- site wastewater service.

h. On-Site Stormwater: The following improvements to stormwater drainage ("Improvements") on the Property shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:

- i. Improve Rowland Creek for the entire length on the Property by construction of a ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
- ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
- iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.

i. Off-Site Stormwater: Subject to obtaining right of entry from off-site property owners, i.e. if consent of those property owners is obtained, the following improvements to storm water drainage systems outside the boundaries of the Property shall be completed by the Developer prior to recording the final plat for the first phase of the development:

- i. Clear and snag Rowland Creek from N. C. Highway 168 to the east end of Rowland Creek Estates Subdivision (adjacent to PIN 0022000088M0000)
- ii. Clear and snag the Ranchland Outlets ditch from the Property's southeast corner adjacent to Ranchland Subdivision (adjacent to PIN 023B000004201F2) to the Ranchland Outlets' intersection with Rowland Creek, and construct a ditch on a positive grade with 3:1 side slopes and sized for a 100 storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
- iii. Improve the Survey Road ditch from Guinea Road to the railroad (on PIN 0022000063Y0000) and construct the ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.

- iv. Improve Rowland Creek from the eastern boundary of Eagle Creek (adjacent to PIN 015A00000980000) to the western boundary of the Property by constructing a ditch on a positive grade with 3:1 side slopes sized for a 100 year storm event
- v. Developer or a management association shall contribute \$5,000 annually to the cost of maintenance for the off-site improvements set forth in this section. Such funds shall be deposited within an association created for the purpose of maintaining off-site improvements. The first contribution shall be made within 1 year of the recording of the first phase of development, and subsequent contributions made annually for the next 10 years.
- vi. Should Developer be unable to obtain right of entry from any landowner within 4 months from the date this ordinance is adopted, such time not being tolled in the event of an appeal, injunction or other stay of the zoning case, then Developer's only obligation under this Section (i), Off-Site Stormwater, shall be to provide fee in lieu in the amount of 115% of the cost of the Off-Site Improvements, such that the County may complete these Improvements if and when right of entry is obtained.

j. Overall stormwater conditions:

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

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

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

k. Rear loaded cottage lots, if market conditions warrant, may be converted to conventional frontloaded single family dwelling lots at the rate of up to 50% in each phase that includes cottage lots. No more than 22,000 square feet of neighborhood commercial development may be constructed on the ground floor of the townhouse section along the entrance boulevard where indicated on

the Master Plan drawings, if market conditions support this style of development. If not, these areas may be converted to residential use (without increasing the approved density).

- I. Perimeter compatibility shall be addressed as follows:
 - i. To the west: As long as this property remains zoned as is, a 50 foot farm buffer shall be provided, followed by a 60 foot roadway corridor, so the nearest existing dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer shall be provided along that property line. If this property is rezoned, the buffer requirements in this condition shall not apply.
 - ii. To the north (Caratoke Highway): A berm shall be provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks, berms and landscaping.
 - iii. To the east: A 50 foot vegetative farm buffer shall be provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. A minimum 50 foot buffer shall be provided between the developments.
 - iv. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line. The southern buffer may include a pond.
 - v. Limited commercial development is located interior to the Development and shall front along the landscaped entrance boulevard.
- m. Environmental Protection and Monitoring: Wetlands subject to the jurisdiction of the US Army Corps of Engineers have been delineated and confirmed by the Corps of Engineers. Wetland buffers have been shown on the Master Plan and the Development plan honors those buffers. The Association documents (Declaration) will include provisions that prohibit the filling of wetlands and prohibit the clearing of the buffer areas other than incidental tree cutting and vegetation removal.

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

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

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>TND.T.H.</u>	<u>TNDSFLOT</u>	<u>CONV.SFLOT</u>
Min Lot Size:	1,800 SF	8,000 SF	9,500 SF
Typ. Lot Size:	1,800 – 3,000 SF	8,000 – 10,000 SF	10,000 – 17,600 SF
Min. Lot Width (@ 20'	20'	35'	43'
Typ. Lot Width:	20' – 25'	50' – 60'	62'
Front Setback:	20'	20'	20'
Side Setback:	0	10'	10'
Rear Setback:	20'	20'	25'
Corner Side Setback:	15'	15'	15'
Maximum Setback:			
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:		16,000 SF	N/A
Maximum Lot Coverage:		100%	50%

SCHEDULE B

PHASING SCHEDULE

<u>PHASE</u>	<u>TNDT.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1	25	12	34	71	Rowland Creek Drainage Improvements
2	19	9	16	44	Main Lake
3	16	14	-	37	Village Green
4	27	7	25	66	Clubhouse
5	-	17	39	46	Swimming Pool
6	-	-	20	37	Multi-Use Path
7	39	-	31	70	Up to 22,000 SF Neighborhood Commercial
8	-	-	70	70	
9	-	-	32	32	
10	-	-	24	24	
Utility					
TOTALS	126	59	312	497	

SCHEDULE C
ROADWAY
STANDARDS

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

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

- a. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the Phasing Plan for the development. Notwithstanding the forgoing, the first phase of development shall not exceed seventy-one (701) residential units.
- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached), subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance will be connected directly to N.C. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000. Roadways shall be laid out generally as shown on the Master Plan and Schedule C.
- f. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on N.C. Highway 168 which will be tapped and looped through the site. Fire Protection shall be provided in accordance with UDO standard and the applicable Insurance Service Office standards. Individual lots and dwellings shall be metered. The Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the maximum day domestic demand.
- g. Wastewater: Land has been set aside for the construction of a centralized wastewater treatment and disposal facility that will be constructed in accordance with NCDEQ Standards and approved by NCDEQ. A wastewater collection system will be constructed by the Developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission and will apply for

a Certificate of Public Necessity and Convenience. ~~If an off-site wastewater service becomes available, the development may connect to the off-site wastewater service.~~

h. On-Site Stormwater: The following improvements to stormwater drainage ("Improvements") on the Property shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:

- i. Improve Rowland Creek for the entire length on the Property by construction of a ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
- ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
- iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.

i. Off-Site Stormwater: Subject to obtaining right of entry from off-site property owners, i.e. if consent of those property owners is obtained, the following improvements to storm water drainage systems outside the boundaries of the Property shall be completed by the Developer prior to recording the final plat for the first phase of the development:

- i. Clear and snag Rowland Creek from N. C. Highway 168 to the east end of Rowland Creek Estates Subdivision (adjacent to PIN 0022000088M0000)
- ii. Clear and snag the Ranchland Outlets ditch from the Property's southeast corner adjacent to Ranchland Subdivision (adjacent to PIN 023B000004201F2) to the Ranchland Outlets' intersection with Rowland Creek, and construct a ditch on a positive grade with 3:1 side slopes and sized for a 100 storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
- iii. Improve the Survey Road ditch from Guinea Road to the railroad (on PIN 0022000063Y0000) and construct the ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
- iv. Improve Rowland Creek from the eastern boundary of Eagle Creek (adjacent to PIN 015A00000980000) to the western boundary of the Property by constructing a ditch on a positive grade with 3:1 side slopes sized for a 100 year storm event
- v. Developer or a management association shall contribute \$5,000 annually to the cost of maintenance for the off-site improvements set forth in this section. Such funds shall be deposited within an association created for the purpose of maintaining off-site improvements. The first contribution shall

be made within 1 year of the recording of the first phase of development, and subsequent contributions made annually for the next 10 years.

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

j. Overall stormwater conditions:

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

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

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

k. Rear loaded cottage-TND lots, if market conditions warrant, may be converted to conventional frontloaded single family dwelling lots at the rate of up to 50% in each phase that includes cottage-TND lots. No more than 22,000 square feet of neighborhood commercial development may be constructed on the ground floor of the townhouse section along the entrance boulevard where indicated on the Master Plan drawings, if market conditions support this style of development. If not, these areas may be converted to residential use (without increasing the approved density).

l. Perimeter compatibility shall be addressed as follows:

- i. To the west: As long as this property remains zoned as is, a 50 foot farm buffer shall be provided, followed by a 60 foot roadway corridor, so the nearest existing dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer

shall be provided along that property line. If this property is rezoned, the buffer requirements in this condition shall not apply.

- ii. To the north (Caratoke Highway): A berm shall be provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks, berms and landscaping.
- iii. To the east: A 50 foot vegetative farm buffer shall be provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. A minimum 50 foot buffer shall be provided between the developments.
- iv. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line. The southern buffer may include a pond.
- v. Limited commercial development is located interior to the Development and shall front along the landscaped entrance boulevard.

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

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

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

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

STYLE:	TND I.H.	TND SFLOT	CONV. SFLOT
Min Lot Size:	1,800 SF	<u>6,900 SF</u>	<u>9,500 SF</u>
Typ. Lot Size:	1,800 – 3,000 SF	<u>7,000 – 9,000 SF</u>	<u>10,000 – 15,000 SF</u>
Min. Lot Width:	20'	<u>35'</u>	<u>35'</u>
Typ. Lot Width:	20' – 25'	<u>50' – 60'</u>	<u>62'</u>
Front Setback:	<u>15'</u>	<u>20'</u>	<u>20'</u>
Side Setback:	0	10'	10'
Rear Setback:	20'	20'	25'
Corner Side Setback:	15'	15'	15'
Maximum Setback:	25'	<u>75'</u>	<u>140'</u>
Maximum Height:	35'	35'	35'
Maximum Bldg. Size:	<u>16,000 SF</u>	N/A	N/A
Maximum Lot Coverage:	100%	<u>60%</u>	<u>45%</u>

SCHEDULE B

PHASING SCHEDULE

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

SCHEDULE C
ROADWAY
STANDARDS

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



July 22, 2019

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

Reference: Fost Property - Amended PR-R Rezoning Request, TRC Review

Dear Tammy:

We are responding to the TRC comments reviewed and discussed at the July 17, 2019 TRC meeting as follows:

Planning (Tammy Glave)

1. The typographical error as to current zoning has been corrected on the application form.
2. We have reviewed the specific requirements for Planned Development-master plans in the UDO and found the following language:
 - a. 3.7.2.A.(4) states "identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by use type), non-residential floor area (by use type), residential density, and non-residential intensity." On previous submittals we have provided significantly more detail than is required by the UDO, which for a residential section appears to require only a designation of the acreage, the number and type of units, and residential density, along with the general location of proposed roadways.
 - b. 3.7.2.A.(8) states "identify the general location of on-site potable water and wastewater facilities, and how they will connect to county systems." The UDO appears to require us to show where a wastewater treatment facility will be generally located on site, and also where a force-main would leave the site to connect to an off-site county system.

Based on these paragraphs, it appears that we should be able to designate Phase 10 as the general location for a wastewater treatment facility and also for up to 24 single family residential dwelling units, which would solve the developers problem of needing a placeholder for that density without having to go back through the entire amendment process again when an off-site treatment plant becomes available. It also appears to meet the UDO requirement for showing how a force main would leave the site to connect to an off-site facility. Finally it appears to solve the county's problem of not approving more than one master plan. This amended master plan accounts both the density and the wastewater requirements.

**Currituck County Building and Fire Inspections (Bill Newns)**

1. We have reviewed the notes and standards that have been brought to our attention. We understand these address them in more detail at the Preliminary Plat submittal stage.

Albemarle Regional Health Services (Joe Hobbs)

1. The developer will consult with NCDEQ regarding the details of the wastewater system during the actual design and permitting of the facility.

US Post Office (Moyock)

1. The local post office has been contacted and the method of mail delivery will be via a number of cluster box units to be located strategically around the site.

We are submitting 3 full size copies of revised plans, one 8.5 x 11 reduction of the revised plans and a .pdf digital copy of all plans and documents, including the amended terms and conditions.

Thank you for your assistance.

Sincerely yours,
Bissell Professional Group

A handwritten signature in black ink, appearing to read "Mark S. Bissell".

Mark S. Bissell, PE

cc: Mr. Justin Old



Planned Development Application

OFFICIAL USE ONLY:

Case Number: _____

Date Filed: _____

Gate Keeper: _____

Amount Paid: _____

Contact Information
APPLICANT:

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

PROPERTY OWNER:

Name: Sandra Davis Fost & Iris Ann O'Conner
 Address: 121 Soundshore Drive
Currituck, NC 27929
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser
Property Information

 Physical Street Address: Caratoke Highway

 Location: Moyock, NC 27958

 Parcel Identification Number(s): 0015-000-0086-0000

 Total Parcel(s) Acreage: 228.83

 Existing Land Use of Property: Agricultural/Woodland
Request

 Current Zoning of Property: AG
Proposed Zoning District

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

Amendments

Amended Master Plan
 Amended Terms and Conditions

Community Meeting

 Date Meeting Held: 06/24/2019 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.

The signature of Sandra Davis Fost and Robert M. Fost, appearing as a single cursive line.

6-26-19

Date

Property Owner (s)

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.



Planned Development Application

3.C.g

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@ghoc.com

PROPERTY OWNER:

Name: Sandra Davis Fost & Iris Ann O'C
 Address: 121 Soundshore Drive
Currituck, NC 27929
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Property Information

Physical Street Address: Caratoke Highway

Location: Moyock, NC 27958

Parcel Identification Number(s): 0015-000-0086-0000

Total Parcel(s) Acreage: 228.83

Existing Land Use of Property: Agricultural/Woodland

Request

Current Zoning of Property: AG

Proposed Zoning District

- Planned Development – Residential (PD-R)
- Planned Development – Mixed (PD-M)
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Amendments

- Amended Master Plan
- Amended Terms and Conditions

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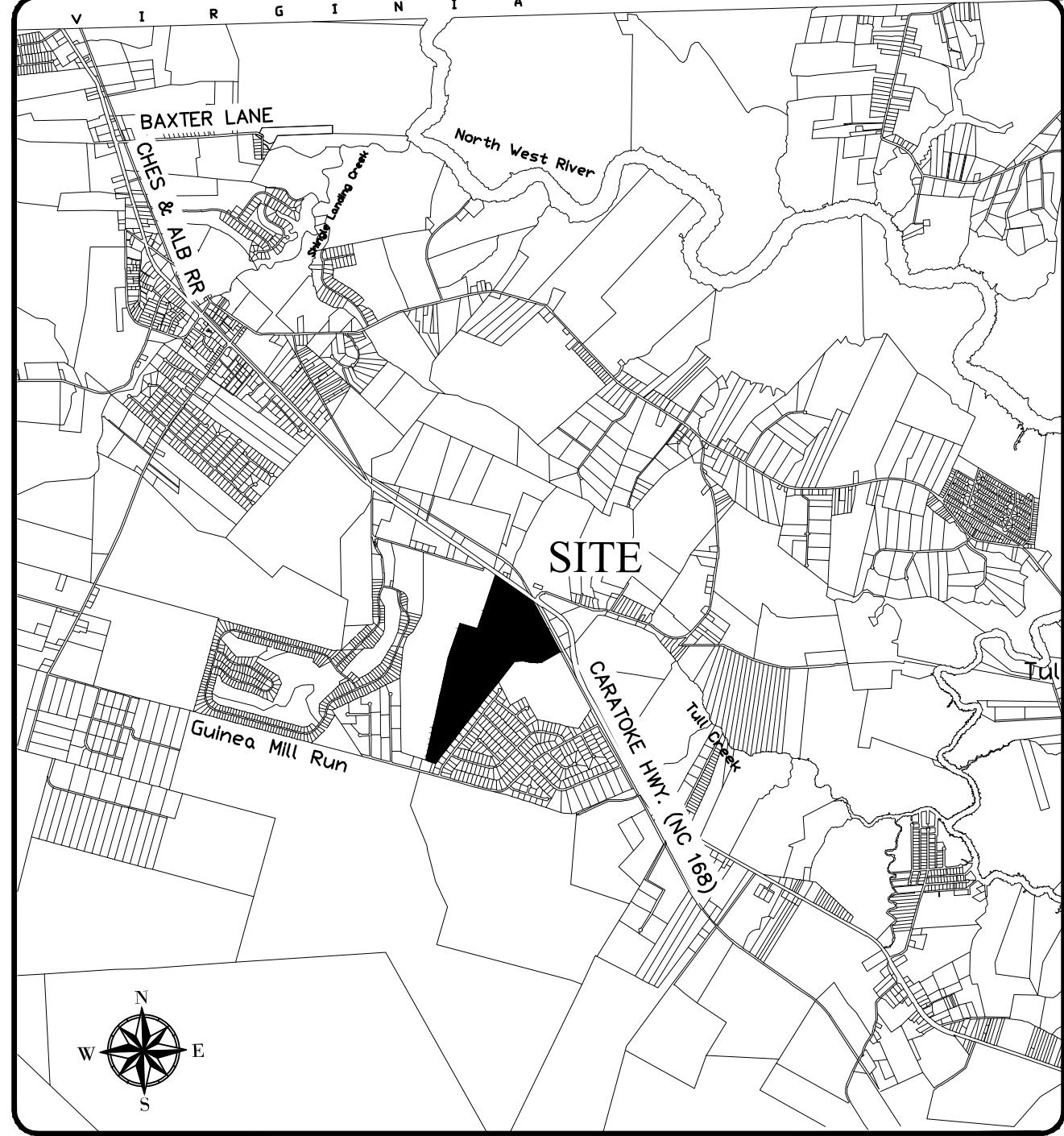
Property Owner(s) _____

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.

287C102358D541F...

Packet Pg. 105

Attachment: 7 Signed Application (PB 18-23 Fost



VICINITY MAP SCALE: 1" = 5,000'

GENERAL DEVELOPMENT NOTES

- PROPERTY OWNER: SANDRA D. FOST & IRIS A. O'CONNOR
121 SOUNDSHORE DRIVE
CURRITUCK, NC 27929
- APPLICANT: ALLIED PROPERTIES, LLC
417-D CARATOKE HIGHWAY
MOYOCK, NC 27958
- PROPERTY DATA: ADDRESS: CARATOKE HIGHWAY, MOYOCK, NC 27958
PIN: 0015-000-0086-0000
RECORD: D.B.13, PG:E/12
ACREAGE: 228.83 ACRES
- ZONING: EXISTING: AGRICULTURAL (AG)
PROPOSED: PLANNED DEVELOPMENT - RESIDENTIAL (PD-R)

THE FOST TRACT

PLANNED DEVELOPMENT - RESIDENTIAL

PRELIMINARY MASTER PLAN

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

OBJECTIVE:

To build a community that has a creative design, providing a mix of different residential uses in close proximity to one another, while at the same time providing an efficient use of open space that promotes an active lifestyle and strong sense of community. Limited, small scale commercial uses are proposed, primarily to serve the needs of the residents in this development.

SHEET

DESCRIPTION

- 1 COVER SHEET & DEVELOPMENT NOTES
- 2 DEVELOPMENT SETTING/CONTEXT
- 3 DEVELOPMENT OVERVIEW - RENDERED VERSION
- 4 DEVELOPMENT OVERVIEW - AUTOCAD VERSION
- 5 PRELIMINARY DEVELOPMENT PHASING OVERVIEW
- 6 PRELIMINARY DEVELOPMENT UTILITY OVERVIEW



COVER SHEET
DEVELOPMENT NOTES

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FAX (252) 261-1760

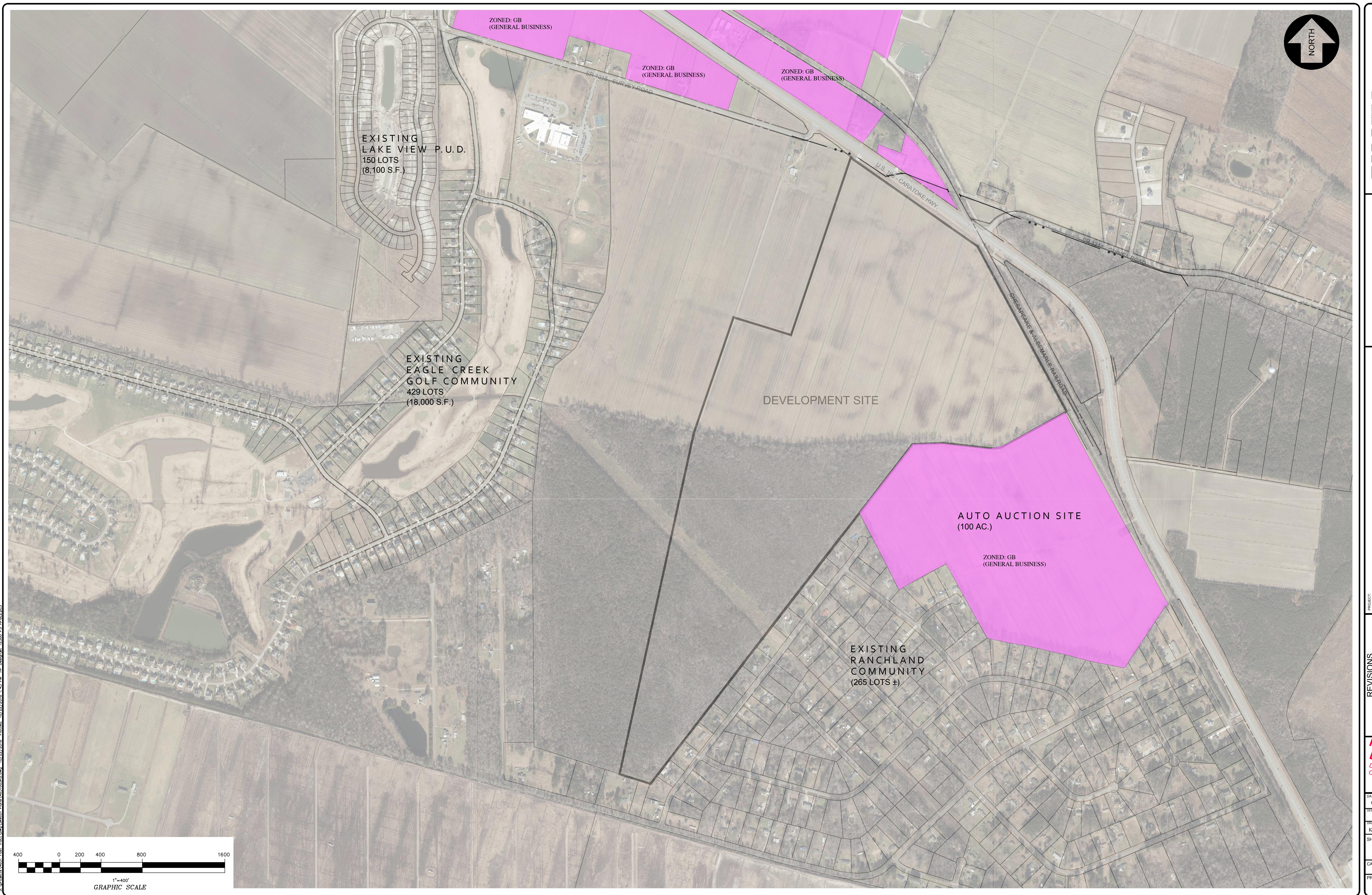
Engineers, Planners, Surveyors

and Environmental Specialists

THE FOST TRACT PD-R
CURRITUCK COUNTY
PRELIMINARY MASTER PLAN

PROGRESS
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DO NOT USE FOR
CONSTRUCTION

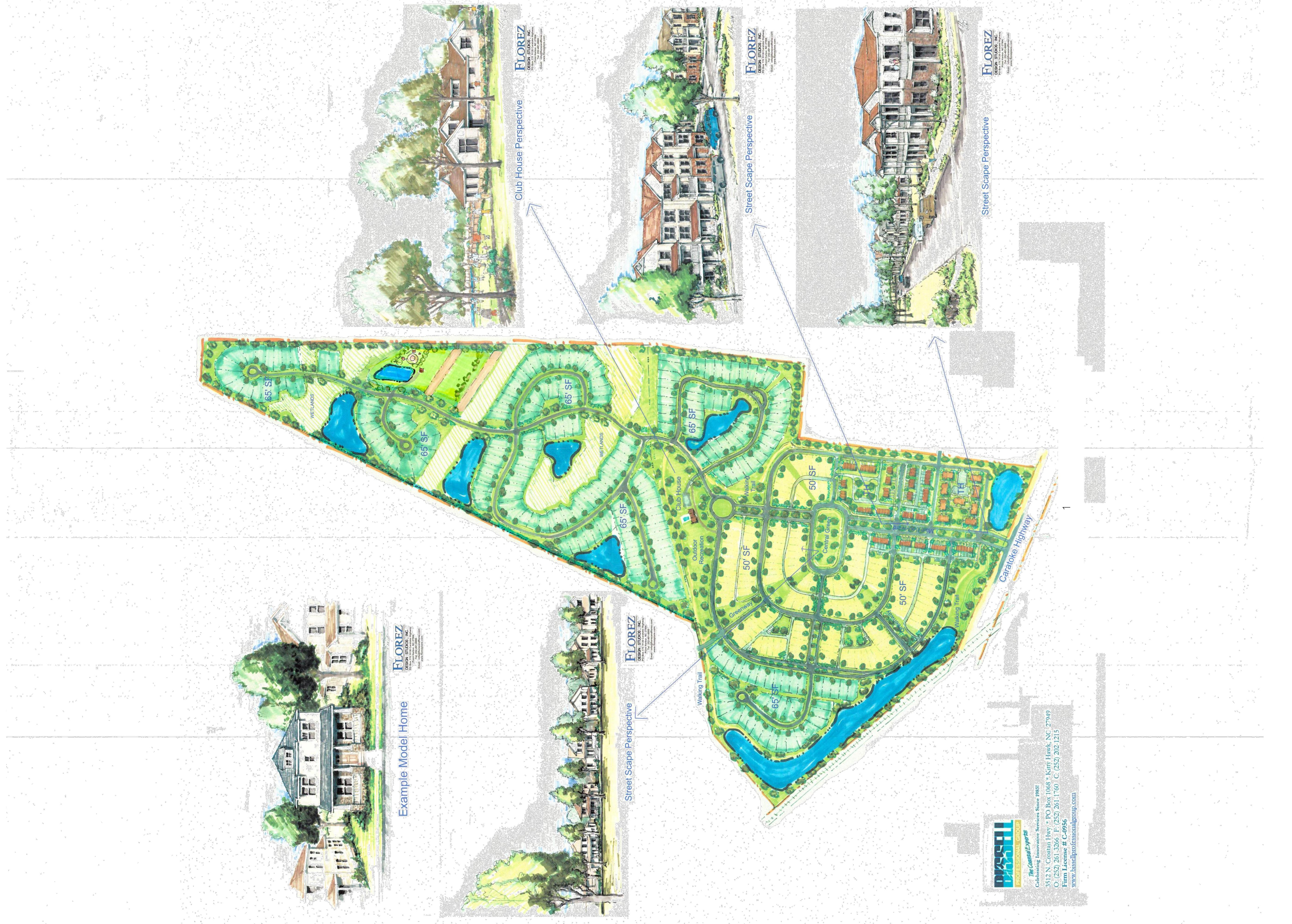
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DESIGNED BY: BPG	CHECKED BY: MSB
APPROVED BY: KPW/DMK	APPROVED BY: BPG
SHEET: 1 OF 6	
CAD FILE: 465100SK2	
PROJECT NO: 4651	



Bissell Professional Group
Feld, Bissell & Associates, Inc.
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P.O. Box 1068
Cary, NC 27513
(919) 261-2256
(252) 261-1760

BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

Attachment 8 Original Post Master Plan Set (PB 18-23 Post Amended PDR)



**PROGRESS
DRAWING
DO NOT USE FOR
CONSTRUCTION**

DATE: 08/23/18 SCALE: 1" = 200'
DESIGNED BY: BPG CHECKED BY: MSB
DRAWN BY: KPW/DMK APPROVED BY: BPG
SHEET: 3 OF 6
CAD FILE: 465100SK2
PROJECT NO: 4651

Bissell Professional Group
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Firm License # C-0956
www.bissellprofessionalgroup.com

PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

DEVELOPMENT SUMMARY		
AREA	SQUARE FEET	ACRES
OVERALL TRACT	9,967,835±	228.83±
OPEN SPACE	3,777,210	86.71±
RIGHT-OF-WAY	1,335,427	30.66±
DEVELOPED	4,258,426	97.76±
UTILITY	596,772 ±	13.70±

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



BISSELL
Professional Group
Planning, Land Development, Surveying
352 North Carolina Highway
P.O. Box 261-2056
(339) 261-2056
(252) 261-1760

Engineers, Planners, Surveyors
and Environmental Specialists

DEVELOPMENT OVERVIEW
AUTOCAD VERSION

PROFESSIONAL GROUP

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THE FOST TRACT PD-R
CURRITUCK COUNTY
NORTH CAROLINA
PRELIMINARY MASTER PLAN

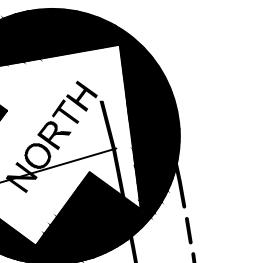
REVISIONS
NO. DATE BY
DESCRIPTION

**PROGRESS DRAWING
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CONSTRUCTION**

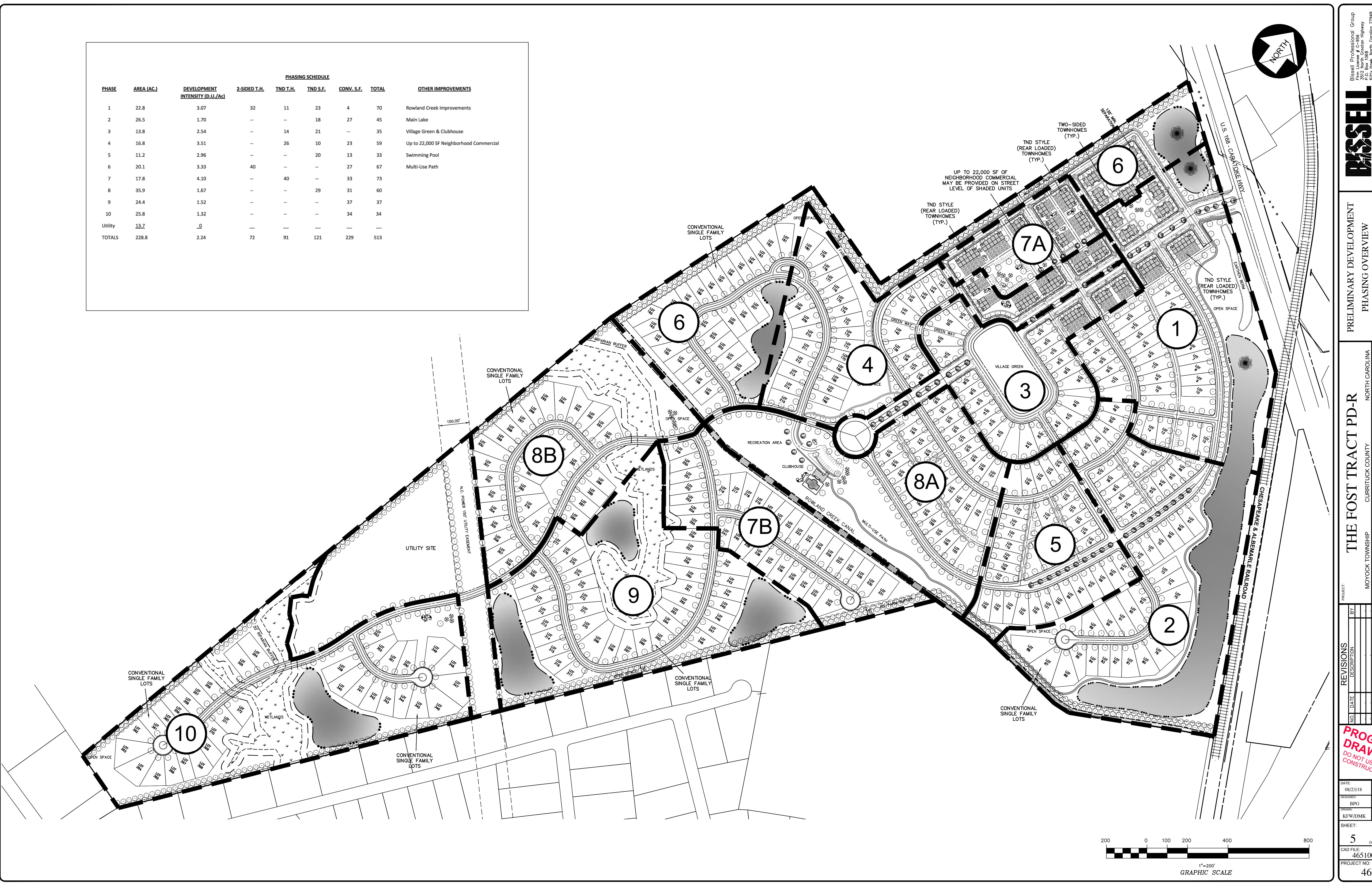
DATE: 08/23/18 SCALE: 1" = 200'
DESIGNED BY: BPG CHECKED BY: MSB
APPROVED BY: KPW/DMK

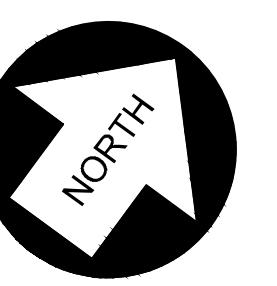
SHEET: 4 OF 6

CAD FILE: 465100SK2
PROJECT NO: 4651



PHASING SCHEDULE								
PHASE	AREA (AC.)	DEVELOPMENT INTENSITY (D.U./Ac)	2-SIDED T.H.	TND T.H.	TND S.F.	CONV. S.F.	TOTAL	OTHER IMPROVEMENTS
1	22.8	3.07	32	11	23	4	70	Rowland Creek Improvements
2	26.5	1.70	—	—	18	27	45	Main Lake
3	13.8	2.54	—	14	21	—	35	Village Green & Clubhouse
4	16.8	3.51	—	26	10	23	59	Up to 22,000 SF Neighborhood Commercial
5	11.2	2.96	—	—	20	13	33	Swimming Pool
6	20.1	3.33	40	—	—	27	67	Multi-Use Path
7	17.8	4.10	—	40	—	33	73	
8	35.9	1.67	—	—	29	31	60	
9	24.4	1.52	—	—	—	37	37	
10	25.8	1.32	—	—	—	34	34	
Utility	13.7	0	—	—	—	—	—	
TOTALS	228.8	2.24	72	91	121	229	513	





PROGRESS
DRAWING
DO NOT USE FOR
CONSTRUCTION

SCALE: 1" = 200'

•ON

SCALE: 1" = 200'

SEARCHED: _____

BPG	MSB
N:	APPROVED:

W/DMK | BPG

ET:

6 6

FILE:

465100SK2

JECT NO:

4651]

10 of 10

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Pg. 111



**PB 18-23 FOST PD-R REZONING
BOARD OF COMMISSIONERS
FEBRUARY 18, 2019**

Amendment to the Official Zoning Map

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

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

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

- a. the conditional rezoning is consistent with the 2006 Land Use Plan and the Moyock Small Area Plan;
- b. the conditional rezoning is consistent with all review standards provided under Unified Development Ordinance (UDO) Section 2.4.3.C;
- c. the proposed conditions for the conditional rezoning of the Property will improve drainage problems on the Property and within nearby Ranchland and Eagle Creek Subdivisions if improvements can be made to drainage system on off-site properties; and
- d. the conditional rezoning is compatible with existing Moyock Township subdivisions

Section 3: The zoning map amendment for the Property is reasonable and in the public interest because of the need for higher density growth in areas of Moyock outside of Currituck Station regardless of the availability of public and centralized sewer treatment and disposal..

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

- a. The Phasing Plan attached to this ordinance and incorporated herein by reference as Schedule B (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the

Phasing Plan for the development. Notwithstanding the forgoing, the first phase of development shall not exceed seventy (70) residential units.

- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached) subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance will be connected directly to N.C. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000. Roadways shall be laid out generally as shown on the Master Plan and Schedule C.
- f. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on N.C. Highway 168 which will be tapped and looped through the site. Fire Protection shall be provided in accordance with UDO standard and the applicable Insurance Service Office standards. Individual lots and dwellings shall be metered. The Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the maximum day domestic demand.
- g. Wastewater: Land has been set aside for the construction of a centralized wastewater treatment and disposal facility that will be constructed in accordance with NCDEQ Standards and approved by NCDEQ. A wastewater collection system will be constructed by the Developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission and will apply for a Certificate of Public Necessity and Convenience. If an off-site wastewater service becomes available, the development may connect to the off- site wastewater service.
- h. On-Site Stormwater: The following improvements to stormwater drainage ("Improvements") on the Property shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:
 - i. Improve Rowland Creek for the entire length on the Property by

construction of a ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.

- ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
- iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.

i. Off-Site Stormwater: Subject to obtaining right of entry from off-site property owners, i.e. if consent of those property owners is obtained, the following improvements to storm water drainage systems outside the boundaries of the Property shall be completed by the Developer prior to recording the final plat for the first phase of the development:

- i. Clear and snag Rowland Creek from N. C. Highway 168 to the east end of Rowland Creek Estates Subdivision (adjacent to PIN 0022000088M0000)
- ii. Clear and snag the Ranchland Outlets ditch from the Property's southeast corner adjacent to Ranchland Subdivision (adjacent to PIN 023B000004201F2) to the Ranchland Outlets' intersection with Rowland Creek, and construct a ditch on a positive grade with 3:1 side slopes and sized for a 100 storm event from the drainage basin in which the Property and Ranchland Subdivision are located.
- iii. Improve the Survey Road ditch from Guinea Road to the railroad (on PIN 0022000063Y0000) and construct the ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
- iv. Improve Rowland Creek from the eastern boundary of Eagle Creek (adjacent to PIN 015A00000980000) to the western boundary of the Property by constructing a ditch on a positive grade with 3:1 side slopes sized for a 100 year storm event
- v. Developer or a management association shall contribute \$5,000 annually to the cost of maintenance for the off-site improvements set forth in this section. Such funds shall be deposited within an association created for the purpose of maintaining off-site improvements. The first contribution shall be made within 1 year of the recording of the first phase of development, and subsequent contributions made annually for the next 10 years.
- vi. Should Developer be unable to obtain right of entry from any landowner within 4 months from the date this ordinance is adopted, such time not being tolled in the event of an appeal, injunction or other stay of the zoning case, then Developer's only obligation under this Section (i), Off-Site Stormwater, shall

be to provide fee in lieu in the amount of 115% of the cost of the Off-Site Improvements, such that the County may complete these Improvements if and when right of entry is obtained.

j. Overall stormwater conditions:

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

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

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

k. Rear loaded cottage lots, if market conditions warrant, may be converted to conventional frontloaded single family dwelling lots at the rate of up to 50% in each phase that includes cottage lots. No more than 22,000 square feet of neighborhood commercial development may be constructed on the ground floor of the townhouse section along the entrance boulevard where indicated on the Master Plan drawings, if market conditions support this style of development. If not, these areas may be converted to residential use (without increasing the approved density).

l. Perimeter compatibility shall be addressed as follows:

- i. To the west: As long as this property remains zoned as is, a 50 foot farm buffer shall be provided, followed by a 60 foot roadway corridor, so the nearest existing dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer shall be provided along that property line. If this property is rezoned, the buffer requirements in this condition shall not apply.
- ii. To the north (Caratoke Highway): A berm shall be provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks,

- berms and landscaping.
- iii. To the east: A 50 foot vegetative farm buffer shall be provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas that back up to existing dwelling units in the adjacent Ranchland subdivision. A minimum 50 foot buffer shall be provided between the developments.
- iv. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line. The southern buffer may include a pond.
- v. Limited commercial development is located interior to the Development and shall front along the landscaped entrance boulevard.

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

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

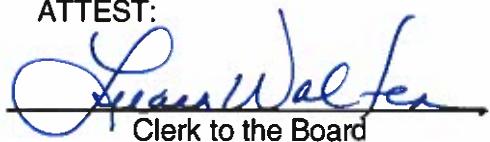
Wind tides will be considered in the design of site grading, with structures located above the elevation of the historic wind tidal influence from Rowland Creek.

Section 5: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Section 6: This zoning map amendment shall be in effect from and after the 6th day of May 2019.

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

ATTEST:



Clerk to the Board



Date

(NOT VALID UNTIL FULLY EXECUTED)



Chairman

Board of Commissioners



SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

<u>STYLE:</u>	<u>2-SIDED T.H.</u>	<u>TND T.H.</u>	<u>TND SF LOT</u>	<u>CONV. SF LOT</u>
Min Lot Size:	800 SF	1,800 SF	8,000 SF	10,000 SF
Typ. Lot Size:	800 SF	1,800 – 3,000 SF	8,000 – 10,000 SF	10,000 – 17,600 SF
Min. Lot Width:	22'	20'	50'	60'
Typ. Lot Width:	22' – 24'	20' – 25'	50' – 60'	65' – 100'
Front Setback:	N/A	20'	20'	20'
Side Setback:	0	0	10'	10'
Rear Setback:	N/A	20'	20'	25'
Corner Side Setback:	15'	15'	15'	15'
Maximum Setback:	N/A	25'	25'	35'
Maximum Height:	35'	35'	35'	35'
Maximum Bldg. Size:	4,800 SF	6,000 SF	N/A	N/A
Maximum Lot Coverage:	100%	100%	40%	35%

SCHEDULE B

PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (Ac.)</u>	<u>DEVELOPMENT INTENSITY (D.U./Ac)</u>	<u>2-SIDED T.H.</u>	<u>TND T.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1	22.8	3.07	32	11	23	4	70	Rowland Creek Drainage Improvements
2	26.5	1.70	-	-	18	27	45	Main Lake
3	13.8	2.54	-	14	21	-	35	Village Green & Clubhouse
4	16.8	3.51	-	26	10	23	59	Up to 22,000 SF Neighborhood Commercial
5	11.2	2.96	-	-	20	13	33	Swimming Pool
6	20.1	3.33	40	-	-	27	67	Multi-Use Path
7	17.8	4.10	-	40	-	33	73	
8	35.9	1.67	-	-	29	31	60	
9	24.4	1.52	-	-	-	37	37	
10	25.8	1.32	-	-	-	34	34	
Utility	<u>13.7</u>	<u>0</u>						
TOTALS	228.8	2.24		72	91	121	229	513

SCHEDULE C
ROADWAY
STANDARDS

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