



**CURRITUCK COUNTY
NORTH CAROLINA**

November 10, 2020

Minutes – Regular Meeting of the Planning Board

WORK SESSION

The Currituck County Planning Board held a work session at 5:30 PM in the Historic Courthouse Board Meeting Room with four board members present. Staff members present were: Laurie LoCicero, Planning Director; Donna Voliva, Assistant Planning Director; and Cheri Elliott, Clerk to the Planning Board. The board members were briefed concerning the agenda items. Informal discussion followed until 6:00 PM.

CALL TO ORDER - 6:00 PM

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

Attendee Name	Title	Status	Arrived
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Absent	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Absent	
Juanita S Krause	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Laurie LoCicero	Planning Director	Present	
Donna Voliva	Assistant Planning Director	Present	
Cheri Elliott	Clerk to the Board	Present	

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

A. Pledge of Allegiance & Moment of Silence

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

B. Ask for Disqualifications

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

C. Announce Quorum Being Met

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

D. Approval of Agenda

Chairman Ballance asked if there were any changes needed to the agenda tonight. Mr. Bass requested PB 20-16 Currituck County Utility & Drainage Easement Text Amendment be removed from the agenda. Mr. Doll seconded the motion and the agenda was approved with changes unanimously.

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

APPROVAL OF MINUTES FOR OCTOBER 13, 2020

Chairman Ballance asked if there were any changes needed to the minutes for October 13, 2020. 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, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member
ABSENT:	Garry Owens, Vice Chairman, Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member

E. PB Meeting Minutes - October 13, 2020**OLD BUSINESS**

There was no old business discussed.

NEW BUSINESS**A. PB 18-23 Fost Tract Planned Development-Residential - Amendment #2:**

The Planning Director, Laurie LoCicero, presented the staff report. She gave the background information saying the Board of Commissioners originally approved the Planned Development - Residential on May 6, 2019, and then approved a plan amended on November 4, 2019. She noted, if the off-site major utility use permit for the waste water treatment plant (WWTP) which connects the Fost Development is not approved, the Board of Commissioners would have to approve a third amendment to change this plan back to on-site septic treatment. Ms. LoCicero presented PowerPoint slides and also went over each change with this amendment. She said the Technical Review Committee recommended approval with the following conditions:

- Changes to the Terms and Conditions document not called out by the applicant must be addressed. (Planning)

- There is a backup in Rowland Creek near the south of the property that must be cleared and snagged ASAP. (Soil and Stormwater)
- Stormwater management on Rowland Creek and areas downstream north and east of the railroad track are within CAMA jurisdiction, require a 30' setback, and CAMA permitting is required. (CAMA)
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

Chairman Ballance asked if the board had any questions for Ms. LoCicero. Mr. Bass asked her to explain the Moyock Small Area Plan (MSAP). She explained when, how, and why the MSAP was created.

Chairman Ballance asked if Planned Development-Residential require a sewage system. Ms. Voliiva said it does. Discussion was held on sewer systems and soil suitability.

Ms. Krause asked questions concerning drainage and Ms. LoCicero directed her to page 7 of 7 in the staff report to review the Stormwater Conditions for Fost dated July 2019. Discussion was held on this.

Mark Bissell came before the board as representation of the applicant. He said the proposal tonight does not change the density that was originally approved. Each project can have its own waste water treatment plant, but it is more efficient to have one large system than having multiple systems for various developments. He said with regard to drainage and the 500 year ditch, we did not understand until we had begun the modeling and we are adjusting the development plan to meet the requirements for the ditch. The clubhouse and the parking moved to the Northwest to provide a larger stormwater pond.

Ms. Krause asked how the ditches would be maintained. Mr. Bissell said the \$5,000 would be for offsite and the HOA Dues will cover onsite. Rowland Creek runs across the property and will become the HOA's responsibility.

Ms. Krause asked who will determine when the ditches need to be cleaned and Mr. Bissell said the stormwater maintenance. Discussion was held over easements and how to clean ditches if there are no easements granted. Mr. Bass asked questions about Fost being tied into the new WWTP. Discussion was held over densities and Fost increasing its density by tying into the new WWTP.

Mr. Bass asked who would own the new WWTP. Mr. Bissell said Environlink.

Ms. Krause asked if the Eagle Creek Community should be concerned about added all these new houses on to the WWTP. Mr. Bissell said the new system will be better since it is a water and sewer company that will run it and own it other than a developer. Mr. Bissell went over the expected capacity levels for the new system. Discussion was held on the amount of water underground reaching the ditches.

Ms. Krause asked if the Middle School is on the this WWTP and Mr. Bissell confirmed they are.

Ms. Krause asked if the stormwater management plan was like the Guinea Mill District. Mr. Bissell said it is not; that is a taxed area and maintained by the County. Ms. Krause said her main concern is with the flooding issues.

Chairman Ballance said there were no citizens present for public comment and closed the public hearing.

Chairman Ballance asked for a motion.

Ms. Krause motioned to approve **PB 18-23 Fost Planned Development, Amended**, because:

1. It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C. (BOC 6/24/19)
2. The conditions placed on the development will improve drainage problems on the property within nearby Ranchland and Eagle Creek subdivisions when improvements are made to the drainage system on off-site properties. (BOC 6/24/19)
3. It is compatible with existing Moyock Township subdivisions. (BOC 6/24/19)
4. The drainage and utility requirements in the June 4, 2019 approved order remain unchanged.

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

1. 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. (BOC 6/24/19)

Also, included the TRC conditions:

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

Chairman Ballance seconded in favor of the motion and the motion was denied with a 2-2 vote; Mr. Doll and Mr. Bass voted nay.

RESULT:	RECOMMENDED DENIAL [2 TO 2]	Next: 12/7/2020 6:00 PM
MOVER:	Juanita S Krause, Board Member	
SECONDER:	C. Shay Ballance, Chairman	
AYES:	C. Shay Ballance, Chairman, Juanita S Krause, Board Member	
NAYS:	K. Bryan Bass, Board Member, David Doll, Board Member	
ABSENT:	Garry Owens, Vice Chairman, Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

B. PB 20-17 Currituck County:

The Assistant Planning Director, Donna Voliva, presented the staff report. Ms. Voliva said the text amendment was necessary to correct the Unified Development Ordinance (UDO), Chapter 4, Table 4.1.1.B, Summary Use Table. She said this was items that were previously approved by the Board of Commissioners, but the table was not included. The table is being corrected for the following uses:

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

Ms. Voliva went over the prior cases that made the changes to the UDO and the dates they were approved by the Board of Commissioners. She listed the review standards and said staff does recommend since these were previously approved.

Chairman Ballance opened and closed the public hearing with no citizen present to speak.

Ms. Krause motioned to approve **PB 20-17** because the request is consistent with the following policies of the 2006 Land Use Plan:

POLICY ED1
POLICY ED4
POLICY ID5
POLICY AG4

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

The proposed text amendment replaces language previously adopted by the Board of Commissioners that:

- Is an existing and necessary support service for agriculture (PB 19-26 Nutrien Ag Solutions adopted December 2, 2019).
- May help preserve farm culture and promote farm and open space conservation through diversifying low impact uses of agriculture land (PB 19-09 Bruce Weaver, Kitty Hawk Kites adopted June 3, 2019).
- Provides economic diversification and local economic development (PB 19-09 Bruce Weaver, Kitty Hawk Kites adopted June 3, 2019).
- Removes a potential conflict between wind energy facilities and the operation of an existing naval annex (PB 17-14 Currituck County adopted January 22, 2019).

Mr. Doll seconded the motion and the motion carried unanimously with a 4-0 vote.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 12/7/2020 6:00 PM
MOVER:	Juanita S Krause, Board Member	
SECONDER:	David Doll, Board Member	
AYES:	C. Shay Ballance, Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Garry Owens, Vice Chairman, Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member	

ANNOUNCEMENTS

Lisa Ray, who owns property at 111 Radio Road, said she was here to speak about the Gallop Sand Mine Use permit that would affect her property if it is approved. She said part of tower (that is on her property) is also on the property for the sand mine. Ms. LoCicero said the Technical Review Committee has reviewed the Gallop Sand Mine Use Permit. Ms. Voliva will get back with Ms. Ray on their review.

ADJOURNMENT

Mr. Bass motioned to adjourn the meeting. Mr. Doll seconded the motion and the meeting adjourned at 7:28 PM.



CURRITUCK COUNTY NORTH CAROLINA

October 13, 2020

Minutes – Regular Meeting of the Planning Board

WORK SESSION

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

CALL TO ORDER - 6:00 PM

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

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

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

A. Pledge of Allegiance & Moment of Silence

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

B. Ask for Disqualifications

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

C. Announce Quorum Being Met

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

Communication: PB Meeting Minutes - October 13, 2020 (Approval of Minutes for October 13, 2020)

D. Approval of Agenda

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

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

APPROVAL OF MINUTES FOR JULY 14, 2020

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

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

E. PB Minutes - July 14, 2020

OLD BUSINESS

No old business discussed.

NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

ANNOUNCEMENTS

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

ADJOURNMENT

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



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 2965

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

Submitted By: Cheri Elliott – Planning & Community Development

Item Type: Legislative

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

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

Planning Board Recommendation: Denial

Staff Recommendation:

TRC Recommendation: Approval with Conditions



STAFF REPORT

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

BOARD OF COMMISSIONERS

DECEMBER 7, 2020

APPLICATION SUMMARY

Property Owner: Moyock Development LLC 417 Caratoke Hwy Unit D Moyock NC 27958	Applicant: Moyock Development LLC 417 Caratoke Hwy Unit D Moyock NC 27958
Case Number: PB 18-23	Application Type: Amended Planned Development – Residential #2
Parcel Identification Number: 0015-000-0086-0000	Existing Use: Planned Development – Residential under construction
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 #2
Request: Changes requiring amended Master Plan: Connect to off-site WWTP, adjust lot lines and roadway alignments as necessary to accommodate the 500-year Ranchland ditch. Other changes: minor amendment to the clubhouse area and associated pond enlargement, regrouping of multi-family units, eliminating extra parking spaces around three sides of open area in Phase 3, amending the Phasing Schedule, and identifying recreational equipment storage parking as shown on the approved preliminary plat and construction drawings and as required by UDO.	

REQUEST

NARRATIVE

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

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

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

COMMUNITY MEETING

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

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

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

MOYOCK SMALL AREA PLAN

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

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

County Engineer Comments

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

RECOMMENDATION

Technical Review Committee

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

- There is a backup in Rowland Creek near the south of the property that must be cleared and snagged ASAP. (Soil and Stormwater)
- Stormwater management on Rowland Creek and areas downstream north and east of the railroad track are within CAMA jurisdiction, require a 30' setback, and CAMA permitting is required. (CAMA)
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

Planning Board

The Planning Board recommended denial at their meeting on November 10, 2020. The initial motion was to approve, but the 2-2 vote represents a denial.

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,

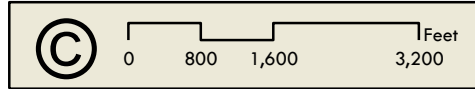
- It is compatible with existing Moyock Township Subdivision.

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.

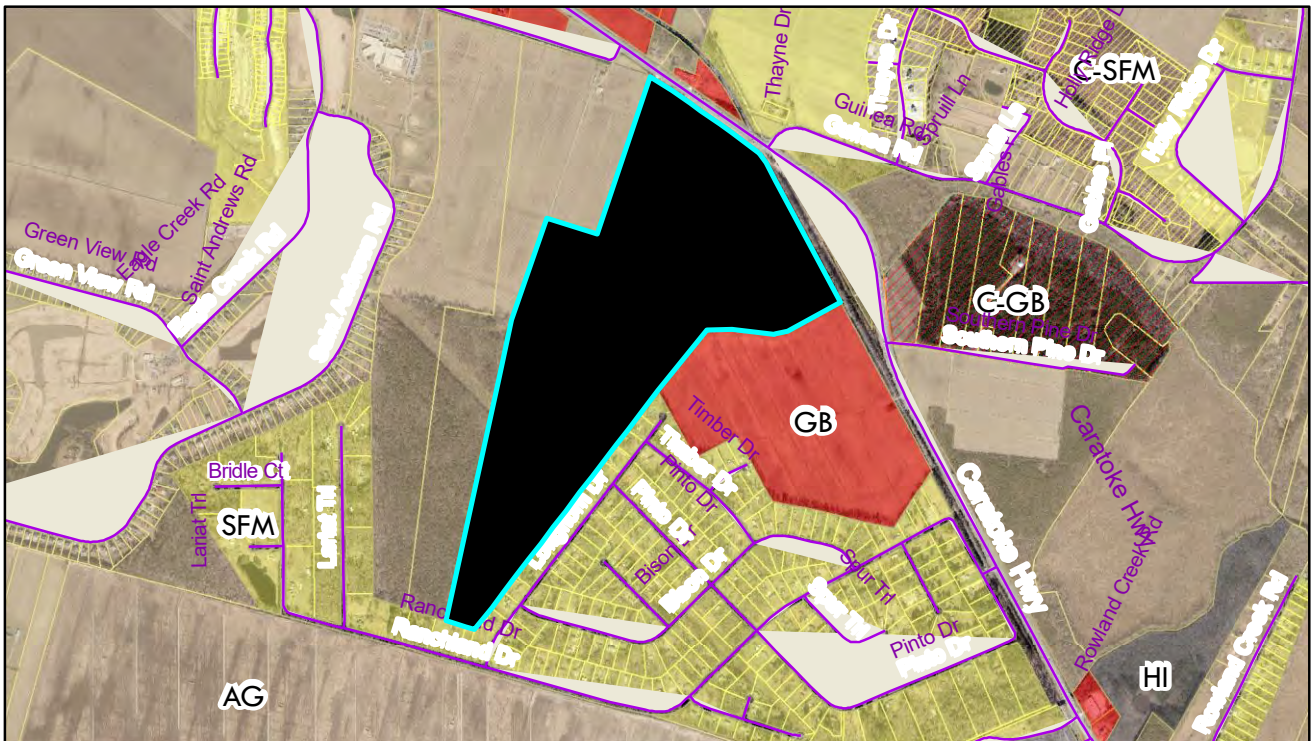
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



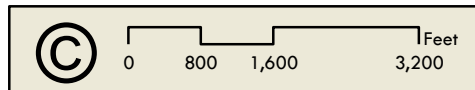
PB 18-23 Foster
Amended PD-R Zoning
2016 Aerial Photography



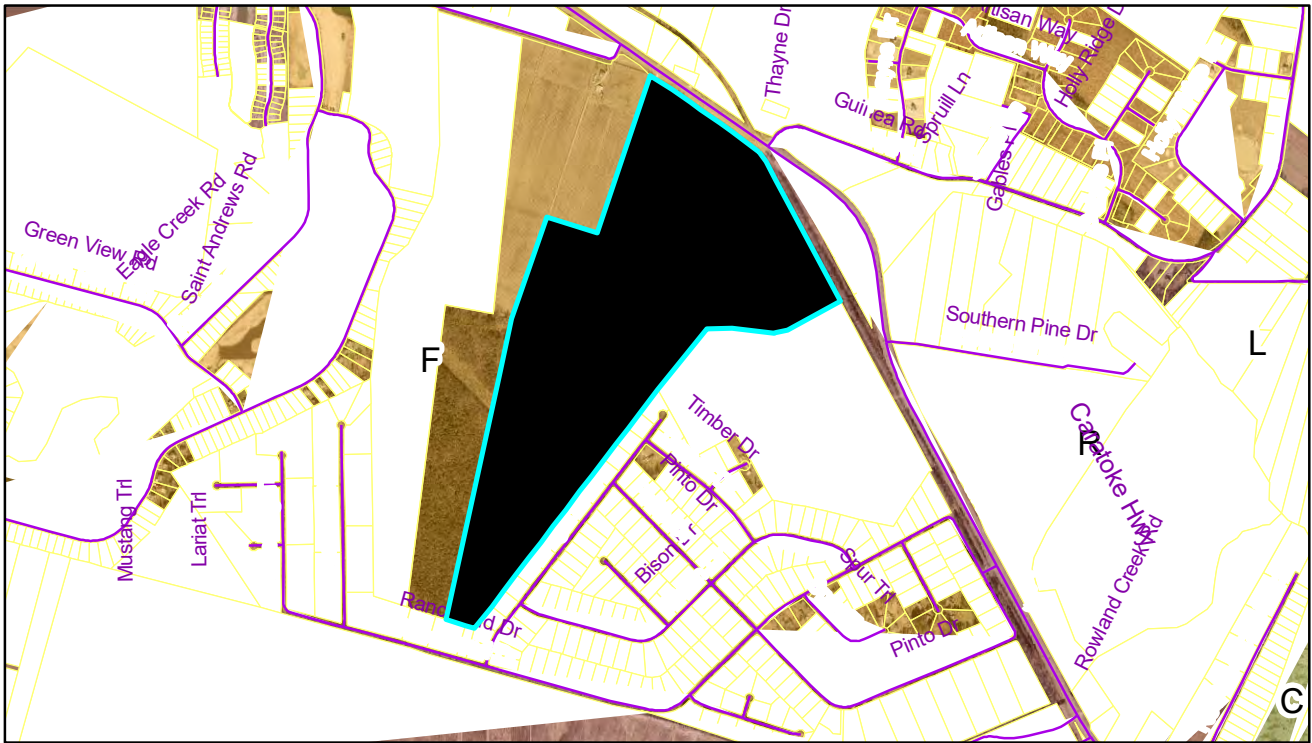
Currituck County
Planning and
Community Development



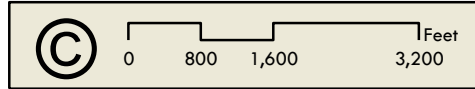
PB 18-23 Foster
Amended PD-R Zoning
Zoning



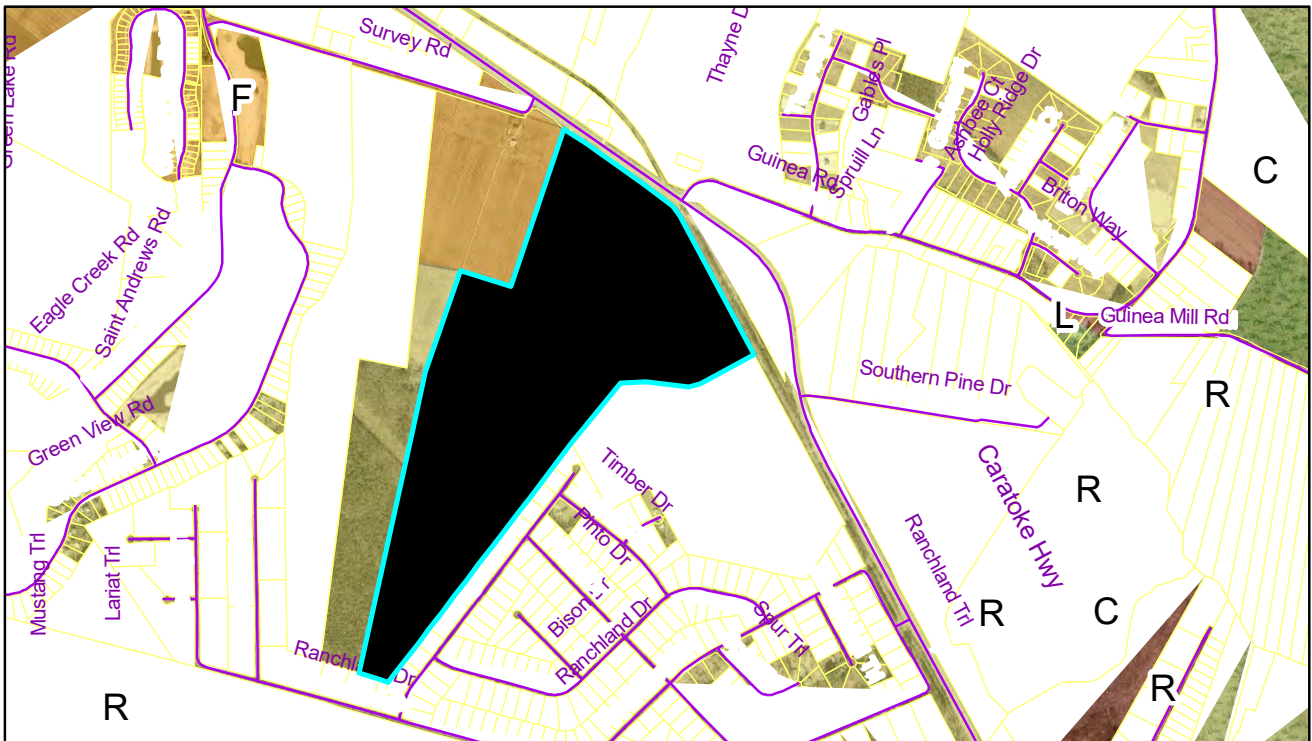
Currituck County
Planning and
Community Development



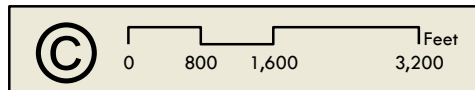
PB 18-23 Foster
Amended PD-R Zoning
LUP Classification



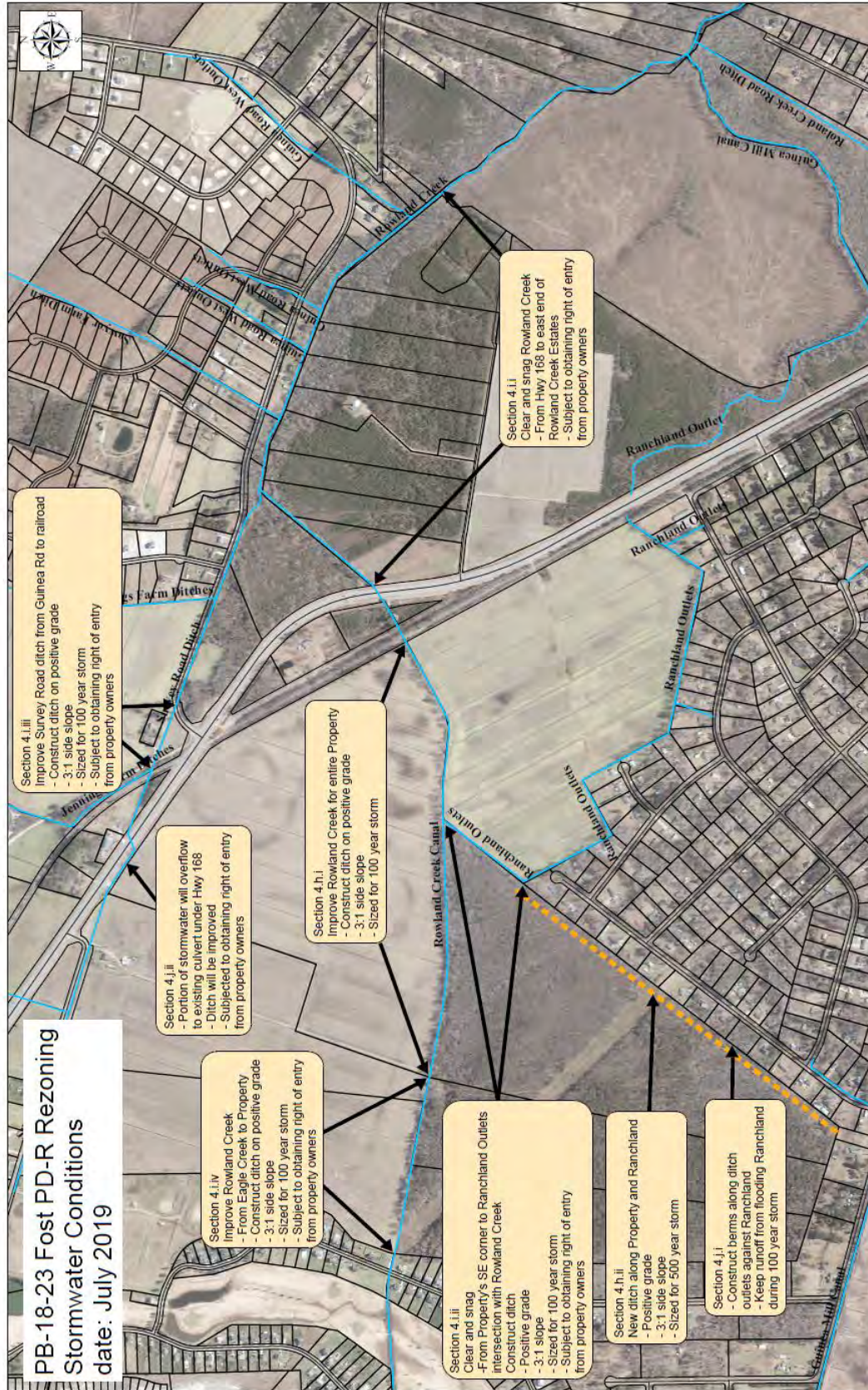
Currituck County
Planning and
Community Development

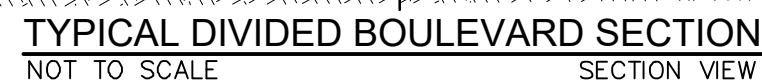


PB 18-23 Foster
Amended PD-R Zoning
Moyock SAP Classification

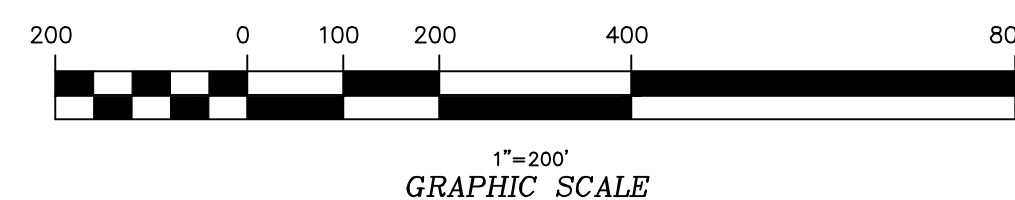
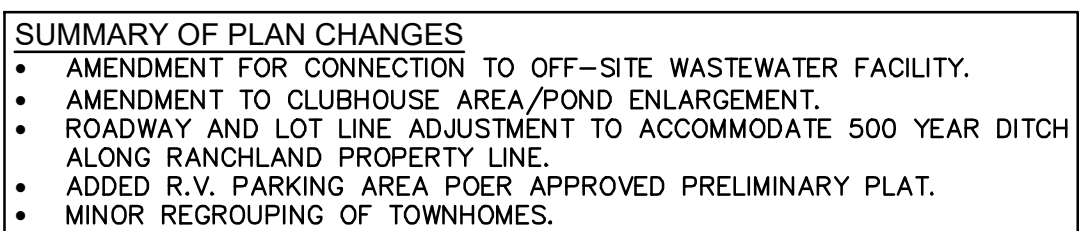


Currituck County
Planning and
Community Development





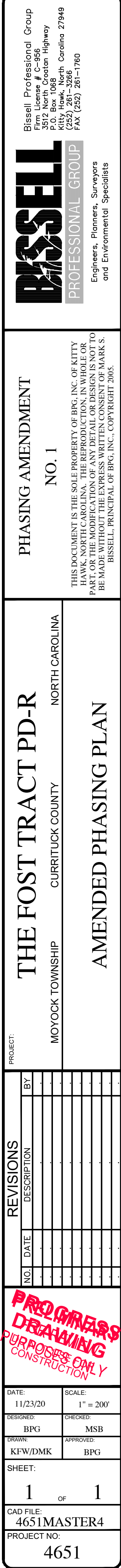
LEGEND



**PROGRESS
DRAWING
PURPOSES ONLY
CONSTRUCTION**

DATE: 9/23/20	SCALE: 1" = 200'
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW/DMK	APPROVED: BPG
SHEET: 1 OF 1	
CAD FILE: 4651MASTER4	
PROJECT NO: 4651	

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



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 (71) residential units.

- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") or Department of Health & Human Services ("NCDHHS") permitted and approved central wastewater treatment and disposal system, and to the Currituck County water system. Fire protection shall be provided in accordance with the UDO Standards and the N.C. Fire Code.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule A (attached), subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform to the streetscape perspectives, example model home drawings, mixed use, and clubhouse perspective drawings illustrated on the Master Plan and as provided and illustrated in Appendix to the Master Plan Supplemental document. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance will be connected directly to N.C. Highway 168. Deceleration and acceleration lanes shall be provided along the Property frontage in accordance with North Carolina Department of Transportation, ("NCDOT"), standards and shall be approved by NCDOT prior to construction. Connectivity will be provided to the existing farmland to the southeast, identified with Parcel Identification Number ("PIN") 002300000070000. Roadways shall be laid out generally as shown on the Master Plan and Schedule C.
- f. Potable Water: Water shall be supplied by Currituck County via an existing 12" main located on N.C. Highway 168 which will be tapped and looped through the site. Fire Protections shall be provided in accordance with UDO standard and the applicable Insurance Service Office standards. Individual lots and dwellings shall be metered. The Developer shall model the county's water system to demonstrate adequate water flow and pressure for fighting fires while meeting the maximum day domestic demand.
- g. Wastewater: Developer intends to connect to a major utility, off-site, owned by Currituck Water & Sewer, LLC, for wastewater treatment and disposal. A wastewater collection system will be constructed by the

Developer and managed by a wastewater utility. The utility will be regulated by the North Carolina Utilities Commission.

- h. **On-Site Stormwater:** The following improvements to stormwater drainage ("Improvements") on the Property shall be completed by the Developer prior to recording the final plat for the first phase of development on the Property:
 - i. Improve Rowland Creek for the entire length on the Property by construction of a ditch on a positive grade with 3:1 side slopes and sized for a 100 year storm event from the drainage basin in which the Property is located.
 - ii. Install a new ditch along the entire length of the Property's eastern common boundary line with Ranchland Subdivision on a positive grade with 3:1 side slopes and sized for a 500 year storm event from the drainage basin in which the Property and a portion of Ranchland Subdivision are located.
 - iii. The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.
- i. **Off-Site Stormwater:** Subject to obtaining right of entry from off-site property owners, i.e. if consent of those property owners is obtained, the following improvements to storm water drainage systems outside the boundaries of the Property shall be completed by the Developer prior to recording the final plat for the first phase of the development:
 - i. Clear and snag Rowland Creek from N. C. Highway 168 to the east end of Rowland Creek Estates Subdivision (adjacent to PIN 0022000088MOOOO)
 - ii. Clear and snag the Ranchland Outlets ditch from the Property's southeast corner adjacent to Ranchland Subdivision (adjacent to PIN 0238000004201 F2) 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 0022000063YO000) 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 prior to recording Phase 2, 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. 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.

- I. 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

<u>STYLE:</u>	<u>TND I.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%

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>
1A	18.3	2.3	25	1	16	42	Rowland Creek Improvements
1B	13	2.23	0	11	18	29	
PH. 1 SUBTOTAL	31.3	2.27	25	12	34	71	
2	31.5	2.06	19	16	30	65	Main Lake (Completion)
3	26.6	1.92	16	14	21	51	Village Green & Clubhouse
4	24.7	3.12	27		50	77	Multi-Use Path
5	14.9	2.48		17	20	37	Swimming Pool
6	35	2.26	21		58	79	
7	23.8	2.56	18		43	61	Up to 22,000 SF Neighborhood Commercial
8	18.6	1.02			19	19	
9	13.7	1.39			19	19	
Effluent & RV	8.18	0					
TOTALS	228.28	2.10	126	59	294	479	

SCHEDULE C
ROADWAY
STANDARDS

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

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>
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4	24.7	3.12	27		50	77	Multi-Use Path
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Effluent & RV	8.18	0					
TOTALS	228.28	2.10	126	59	294	479	



Planned Development Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

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

PROPERTY OWNER:

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

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Property Information

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

Request

Current Zoning of Property: PD-R

Proposed Zoning District

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

Amendments

- ☒ Amended Master Plan
☒ Amended Terms and Conditions

Community Meeting

Date Meeting Held: 9/23/2020 Meeting Location: Eagle Creek Event Pavilion

Planned Development Request

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

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.

Date

Planned Development Application

Page 6 of 7

Revised 7/1/2019

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



Planned Development Application

OFFICIAL USE ONLY:

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

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Community Meeting

Date Meeting Held: 9/23/2020 Meeting Location: Eagle Creek Event Pavilion

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Date

Planned Development Application

Page 6 of 7

Revised 7/1/2019

Attachment: 7 f0st-app-20oct14 (PB 18-23 Fost Tract)

Planned Development Terms and Conditions, and Submittal Checklist

The terms and conditions document shall incorporate by reference or include, but not be limited to the items listed in the checklist. Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Planned Development Terms and Conditions and Submittal Checklist

Date Received: _____ TRC Date: _____

Project Name: 4651- Post Text Amendment

Applicant/Property Owner: Moyock Development, LLC

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

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

For Staff Only

Pre-application Conference

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

Comments

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

September 23, 2020

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

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

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

Attendees: (See attached sign-in sheets)

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

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

Summary:

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

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



September 24, 2020

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

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

Dear Tammy,

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

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

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

Sincerely yours,
BISSELL PROFESSIONAL GROUP



Mark Bissell, PE

cc: Mr. Justin Old

Community Meeting Sign-In Sheet

Fost Development

September 23, 2020

4:00 P.M.

[illegible]

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

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

[illegible]

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

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

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

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

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

j. Overall stormwater conditions:

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

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

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

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

road. The nearest dwelling unit will be set back at least 200 feet from the highway right-of-way at the closest point. The visual impact of the development shall be minimized by setbacks, berms and landscaping.

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

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

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

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

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

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

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

SCHEDULE B

PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (AC.)</u>	<u>DEVELOPMENT INTENSITY (D.U./AC.)</u>	<u>TND T.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
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8	17	1.12			19	19	
9	12	1.58			19	19	
TOTALS	228.8	2.09	126	59	294	479	

SCHEDULE C
ROADWAY
STANDARDS

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

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

September 23, 2020

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

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

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

Attendees: (See attached sign-in sheets)

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

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

Summary:

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

Community Meeting Sign-In Sheet

Fost Development

September 23, 2020

4:00 P.M.

[illegible]

Community Meeting Sign-In Sheet

Fost Development

September 23, 2020

6:00 P.M.

[illegible]

November 2019
Approved Plan



October 2020
Proposed Changes





Currituck County Agenda Item Summary Sheet

Agenda ID Number – 2961

Agenda Item Title: PB 20-17 Currituck County:

Submitted By: Donna Voliva – Planning & Community Development

Item Type: Legislative

Presenter of Item: Donna Voliva

Board Action: Action

Brief Description of Agenda Item:

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

Planning Board Recommendation: Approval

Staff Recommendation: Approval

TRC Recommendation:



Currituck County

Planning and Community Development Department

Planning and Zoning Division

153 Courthouse Road Suite 110

Currituck NC 27929

252-232-3055 Fax 252-232302

To: Board of Commissioners

From: Planning Staff

Date: December 1, 2020

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

Request

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

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

Background

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

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

Text Amendment Review Standards

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

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

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

Staff Recommendation

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

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

Planning Board Recommendation

The Planning Board recommended approval of the request to amend Table 4.1.1.B. as stated in this staff report at their meeting on November 10, 2020 with a 4-0 vote.

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

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

The request is reasonable and in the public interest because:

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



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

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

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

Item 1: That Chapter 4 is amended by deleting the following strikethrough language and adding the underlined language in Table 4.1.1.B.:

TABLE 4.1.1.B: SUMMARY USE TABLE															
Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan; CZ= Allowed in a Conditional Zoning District blank cell = Prohibited															
USE CATEGORY	USE TYPE	PLANNED DEVELOPMENT ZONING DISTRICT [OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												ADDITIONAL REQ. (4.2. ____)	
		PD-R	PD-M	PD-O	PD-CS ZONING DISTRICT SUB-DISTRICT DESIGNATIONS										
					CENTER STATION	CHARTER	CROSSROADS	CYPRESS	JUNCTION	MOYOCK RUN	NEWTOWN	OAK TRAIL			
AGRICULTURAL USE CLASSIFICATION															
Agricultural Support and Services (Not Directly Related)	Distribution hub for agricultural <u>and agronomic</u> products		MP												1.C
INSTITUTIONAL USE CLASSIFICATION															
Utilities	Wind energy facility, large		MP	MP											2.K
COMMERCIAL USE CLASSIFICATION															
Recreation/Entertainment, Outdoor	<u>Outdoor tour operator, Aviation</u>		MP	MP											<u>4.F.7</u>

Attachment: 1- 20-17 CC - Corrections Housekeeping (PB 20-17 Currituck County)

Item 2: Staff suggested Statement of Consistency and Reasonableness:

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

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

The request is reasonable and in the public interest because:

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

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

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

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

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

PLANNING BOARD DATE: 11/10/20
PLANNING BOARD RECOMMENDATION: Approval
VOTE: 4 AYES 0 NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 11/25/20 & 12/2/20
BOARD OF COMMISSIONERS PUBLIC HEARING: 12/7/20
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Attachment: 1- 20-17 CC - Corrections Housekeeping (PB 20-17 Currituck County)



Text Amendment Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

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

Request

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

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

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

*Request may be attached on separate paper if needed.

Laurie B. LeCicero
 Petitioner

October 8, 2020
 Date