



CURRITUCK COUNTY NORTH CAROLINA

February 9, 2021

Minutes – Regular Meeting of the Planning Board

WORK SESSION

The Currituck County Planning Board held a work session at 5:30 PM in the Historic Courthouse Board Meeting Room with five board members present. Staff members present were Laurie LoCicero, Planning and Community Development Director; Jennie Turner, Planner II; and Cheri Elliott, Clerk to the Planning Board. The board members were briefed concerning the agenda items.

CALL TO ORDER

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

Attendee Name	Title	Status	Arrived
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Present	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Absent	
Juanita S Krause	Board Member	Present	
Laurie LoCicero	Planning Director	Present	
Jennie Turner	Planner II	Present	
Cheri Elliott	Clerk to the Board	Present	
Ben Stikeleather	County Manager	Present	

Chairman Ballance called the meeting to order at 6:03 PM.

A. Pledge of Allegiance & Moment of Silence

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

B. Ask for Disqualifications

Chairman Ballance asked if any board member had a conflict of interest with any items 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. Election of Chairman & Vice Chairman

Chairman Ballance asked for nominations for the election of the Chair. Ms. Krause nominated Mr. Ballance to continue as Chair. Mr. Doll seconded the motion and the motion carried unanimously.

Chairman Ballance asked for nominations for the election of the Vice Chairman. Mr. Doll motioned for Mr. Owens to continue as Vice Chairman. Mr. Bass seconded the motion and the motion carried unanimously.

E. Approval of Agenda

Chairman Ballance asked if there were any changes needed to tonight's agenda. Mr. Bass motioned to correct the Planning Board number for Item B to PB 18-23. Mr. Doll seconded the motion and the motion carried unanimously.

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

APPROVAL OF MINUTES FOR JANUARY 12, 2021

Chairman Ballance asked if there were any changes needed for the minutes for January 12, 2021. With no changes noted, Mr. Bass motioned to approve the minutes. Mr. Doll seconded the motion and the motion carried unanimously.

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

F. Planning Board Minutes - January 12, 2021**OLD BUSINESS**

No old business discussed.

NEW BUSINESS**A. PB 21-04 Flora Farm:**

Laurie LoCicero, Planning and Community Development Director, presented the staff report making the following narrative points:

- 277 single-family dwelling lots
- Limited neighborhood commercial development

- Approximately 83 of the 202 acres are proposed to be open space
- Residential amenities include: dog park, picnic area, pool, clubhouse, and sidewalks
- Non-residential amenities include: outdoor dining area and a patio with benches
- Installing 8' multi-use path along Caratoke Highway as required by Currituck Transportation Plan
- Three non-residential buildings required to meet non-residential design standards and community compatibility standards
- Since the three non-residential buildings combined exceed 5,000 sf, if there are 4 or more tenant spaces combined within the three buildings, shopping center design standards must be met

Ms. LoCicero reviewed the applicant's conditions of approval regarding drainage improvements and phasing. The review standards were discussed, along with the Land Use Plan, and the Moyock Small Area Plan. Ms. LoCicero pointed out some inconsistencies between the LUP and the SAP, such as the MAP splits the property with both Full Service and Limited Area; however the LUP designates the entire property as Full Service. School capacities were discussed. Ms. LoCicero said part of the property would be in the Shawboro Elementary School (SES) district and part would be in the Moyock Elementary School (MES) school district. Currently there is not space for students at MES, but the school is going to be expanded. After this expansion, MES will have space for 750 students. Ms. LoCicero said the County Manager was at the meeting tonight and he will discuss the expansion details later. Ms. LoCicero handed out an email from the County Manager concerning the expansion. Staff concerns were presented which highlighted the traffic concern and the soil concern. Ms. LoCicero went over the concerns from the Technical Review Committee (TRC) and said they are not recommending approval. The Consistency and Reasonableness Statement was reviewed along with the Conditions of Approval.

Chairman Ballance asked if the board had any questions for Ms. LoCicero.

Ms. Krause said her concerns were for drainage and if the culverts under the highway could handle the capacity. Ms. Krause wanted to know if NCDOT has given the County an answer concerning this and also wanted to know what protections were in place to keep the ditches stay clean. Ms. LoCicero directed her to page 76 of the agenda packet to show the stormwater conditions of improvement. Concerning NCDOT, they have not given the County an answer on the culverts under the highway.

Mr. Bass said the number of lots for this project exceeds what is allowed in the SAP. Ms. LoCicero agreed, but said the LUP designates this property as Full Service and more weight was given to this plan.

Mr. Owens asked whether the 2004 study for accurately determining the number of future students was still correct. Ms. LoCicero said it is still fairly close in its accuracy.

Mr. Doll asked about the June 2022 phasing schedule and whether people will be living there then. Ms. LoCicero said that date means the plat is ready to be recorded, then it will take 3 to 6 months to build the houses.

The County Manager, Ben Stikeleather, came before the board to discuss the expansion of MES and MMS. He said we have a June 1st Notice to Proceed Date assigned for the expansion. Pre-design work is being done in the next couple months. Students should be in the new classrooms August 2023 first and then the other needed facilities will be added later. For MES, the expansion will be off of the back side of the library and will generate 5 to 7 new classroom. Later we will construct a new elementary school for the Moyock area.

Mr. Bass asked if the over capacity problem was only at MES and Mr. Stikeleather said yes, at the moment.

Discussion was held over Use Permits and having adequate facilities at the moment and having adequate facilities within two years. Mr. Stikeleather said he is confident we will have classroom capacity by August 2023.

Discussion was held on the two modular classroom trailers at MES and the plans of adding two additional trailers to help with the over capacity until the expansions are complete. The board members had concerns with taking away the modular classrooms after the expansion and if the 5 to 7 classrooms would be enough. Mr. Stikeleather said his conversations with the Superintendent has made him confident that 5 to 7 classrooms are enough.

The applicant, Justin Old, 131 Springle Lane in Moyock, came before the board. He voiced his concerns that the staff report may have some inaccuracies and did not show the positives of the development.

Board members asked Mr. Old questions concerning the number of students the development would add and questions on drainage. Mr. Old said the future student numbers presented were ambitious and he feels the numbers are actually lower for Moyock since the numbers include old subdivisions that still have empty lots. For drainage, he said they have cleared and snagged 3,000 feet of ditches and as previously discussed, there will be a drainage association.

Mr. Bissell with Bissell Professional Group came before the board and presented his PowerPoint presentation. He reviewed this packet and presented a PowerPoint presentation. He said the development would have a lot of connectivity with bike paths and walkways. There would be outdoor dining areas connected with paths. He discussed the slides in his presentation and went over the soils. Mr. Bissell handed out a Statement of Compliance with UDO Standards packet and reviewed the items in the packet.

Ms. Krause asked if permission had been received from the property owners in Eagle Creek to connect to the sewage system for their subdivision. Mr. Bissell said Eagle Creek actually requested the improvements to the sewage system, but an agreement has not been sign; the agreement is forthcoming.

There were no additional questions for Mr. Bissell from the board.

There was no public comment.

The board asked Mr. Stikeleather some additional questions concerning the expansion of the schools and the building of the new school. Mr. Stikeleather said the addition will be in 2022 and the new school will be in 2024; the process can go faster if we use existing state approved plans. The addition has the added benefit to push the date of a new school further out and will give necessary improvements to the older schools.

The board asked questions on tracking new subdivisions and future students from these subdivisions. Ms. LoCicero said both are tracked by the Planning Department. We are talking about actual capacity but committed capacity is for planning purposes to know when to build a new school. Committed capacity is a planning tool for when to start looking for land and when to plan for a new school. Ms. LoCicero said committed capacity is tracked with the new subdivisions that have required Use Permits, but Family Subdivisions and Minor Subdivisions which do not require a Use Permit are not part of the tracked committed capacity numbers. These subdivisions that are not tracked actually balances out the numbers for empty lots in an older development.

There was no further discussion from the board.

Chairman Ballance asked for a motion.

Mr. Bass motioned to **approve PB 19-20 Flora Farm** because the request is consistent with the Land Use Plan because:

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl: #2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designed, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.

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

- The increase in the number of residential roof tops may bring additional commercial development to Moyock.

The additional applicant's conditions of approval are included in the motion for approval:

Condition 1 regarding drainage improvements:

Drainage improvements will be provided as follows:

- a. Extend the Rowland Creek drainage improvements to the Eagle Creek Pumpstation, with agreement from Eagle Creek.
- b. Make improvement to the drainage ditch that runs along the common boundary between the Fost/Brumsey property and Eagle Creek/Ranchland based on results of the stormwater modeling of existing conditions.

- c. Perform stormwater modeling of the proposed Flora Farm development to manage the 100 year storm event and provide stormwater storage, including berms as necessary.

Condition 2 regarding phasing:

- a. Development will be recorded in 5 phases. Developer will not record the first phase before June 1, 2022.
 - b. The first phase will not contain more than 55 lots.
 - c. Subsequent phases will not be recorded sooner than 6 months following the prior phase, and in any event, no sooner than January 1, 2023.
 - d. Developer will retain the right to provide an annual update of phasing, including making adjustments to phase lines and the sequence of recording, as long as the timing of total lots recorded in the above conditions is followed.
-
- a. That the application for preliminary plat/use permit for the subdivision not be submitted until the Notice to Proceed with the school expansion project is fully executed. (Estimated June 1, 2021 - See below note from County Manager)
 - b. That the conditions of approval proposed by the applicant be incorporated into the approval.
 - c. That the model home sample elevations be incorporated into the approval.
 - d. That certification be provided that the private WWTP proposed to service this development can accommodate the gpd of wastewater this development proposes to generate.

Also, the additional TRC conditions of approval are included as follows:

- a. That the application for preliminary plat/use permit for the subdivision not be submitted until the Notice to Proceed with the school expansion project is fully executed. (Estimated June 1, 2021 - See below note from County Manager)
- b. That the conditions of approval proposed by the applicant be incorporated into the approval.
- c. That the model home sample elevations be incorporated into the approval.
- d. That certification be provided that the private WWTP proposed to service this development can accommodate the gpd of wastewater this development proposes to generate.

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

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 3/1/2021 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	David Doll, Board Member	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member	

B. PB 18-23 Fost, Amended PD-R #3:

Ms. LoCicero presented the staff report and a PowerPoint presentation. This amendment was necessary due to a requirement in the Unified Development Ordinance when changing street access in the master plan it must go back through the review/approval process. This amendment to the master plan adds a connection street (Leif Street) between Flora and Fost developments. Ms. LoCicero reviewed the 2006

Land Use Plan and the Moyock Small Area Plan and the policies that are in relation to this planned development. Ms. LoCicero said the Technical Review Committee has recommended approval with the following conditions:

1. Would prefer to see some commercial development as part of the Fost tract along Caratoke Hwy and be included as part of Phase 2 & 3 as opposed to proposing all commercial development in Phase 7.
2. Any impacts to jurisdictional waters or wetlands of the United States require prior approval from the US Army Corps of Engineers.
3. Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

Mr. Bissell came before the board and presented the applicant's case. He said they would be unable to do the 1st condition recommended by the Technical Review Committee since the ponds and other development has already been done.

There were no public comments.

There were no board questions or discussion.

Mr. Doll 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 if 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)

Conditions of Approval:

1. Any impacts to jurisdictional waters or wetlands of the United States require prior approval from the US Army Corps of Engineers. (US Army Corps of Engineers)
2. Drainage and utility requirements in the June 24, 2019 approved order remain unchanged. (Attached)

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)

Mr. Owens seconded the motion to approve and the motion carried unanimously 5-0.

Chairman Ballance called a 10 minute recess.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 3/1/2021 6:00 PM
MOVER:	David Doll, Board Member	
SECONDER:	Garry Owens, Vice Chairman	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member	

C. PB 21-02 Hutchinson Rezoning:

The board returned from the 10 minute recess at 8:15 PM.

Jennie Turner, Planner II, presented the staff report along with a PowerPoint presentation. Ms. Turner said this is a straight conventional rezoning and conditions cannot be attached. She reviewed the Aerial slide showing the surrounding zoning, referenced the 2006 Land Use Plan (LUP) policies, and the community meeting report. Slides were presented showing the current zoning and the proposed zoning, and the Use Comparisons for the current and proposed zoning. Ms. Turner reviewed spot zoning and why it was a concern with this case. She gave the review standards and said that staff is recommending the applicant submit a conditional zoning application with a plan that is more conceptual in nature, therefore staff recommends denial. Ms. Turner gave the consistency and reasonableness statement saying it is not consistent with the LUP and is not reasonable and not in the public interest because it does not provide for properly planned mixed use development adjacent to Caratoke Highway.

Jason Mizelle, Senior Project Manager with Timmons Group, came before the board to represent the applicant. He explained the changes in moving the lines for General Business(GB) zoning and the Mixed Residential (MXR). The applicant wanted the residential on the back of property, but wanted to keep business options with it being located in Grandy. He said Grandy does not have MXR, but the three other core communities do have this zoning.

Chairman Ballance said he was very familiar with the Grandy area and development would be welcome in this area.

Mr. Bass asked about conditional zoning and setting certain development. Mr. Mizelle said any development still has to come back through to a Preliminary Plat, etc

Mr. Bass asked about spot zoning being illegal. Ms. Turner said it can be illegal, but it would have to meet all five of the factors on page 111 of the agenda packet:

- o There is an emphasis on a very limited number of property owners being involved, "usually triggered by efforts to secure special benefits for particular property owners, without regard for the rights of adjacent landowners."
- o Size of tract.
- o Compatibility with adopted plans.
- o The balance of benefits and detriments.
- o Relationship of uses.

Discussion was held on property to the south and whether that could be combined with the Hutchinson parcel. Mr. Mizelle said Mr. Grandy owns this and has a small seafood market on it; he is not interested in selling it. Mr. Mizelle said the applicant originally was considering cottage courts if he could have obtained the property to the south, but the applicant still wants to do some type of residential.

Chairman Ballance made a motion to **approve PB 21-02** because the request is consistent with Land Use Plan Full Service Designation.

And the request is reasonable and in the public interest because the General Business zoning opens up opportunity for small business and middle class residential is a need in Grandy.

Ms. Krause seconded the motion. The motion failed with Mr. Bass, Mr. Doll, and Mr. Owens voting nay.

Mr. Bass made a motion to **deny PB 21-02** because the request is inconsistent with the 2006 Land Use Plan policies including Housing and Neighborhood Policies HN1, HN3 and HN9 and Commercial Development Policies CD1-5, CD6 and CD8.

It is not reasonable and not in the public interest because it does not provide for properly planned mixed use development adjacent to Caratoke Highway.

Mr. Doll seconded the motion to deny and the motion carried 4-1, with Chairman Balance voting nay.

RESULT:	RECOMMENDED DENIAL [4 TO 1]	Next: 3/1/2021 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	David Doll, Board Member	
AYES:	Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
NAYS:	C. Shay Ballance, Chairman	
ABSENT:	Anamarie Hilgendorf, Board Member	

D. PB 20-16 Currituck County Text Amendment Utility and Drainage Easements:

Ms. Turner presented the staff report along with a PowerPoint presentation showing the water drainage, typical, and drainage easements. She said one of the original changes in the text amendment should possibly be left out; the added sentence is in 7.3.4.B.(10)(a). Ms. Turner went over the review standards, gave staff's recommendation of approval, and reviewed the consistency and reasonableness statement.

Ms. LoCicero explained why easements are needed for the County to complete drainage work in our various ditches.

Ms. Krause asked if the County was responsible for drainage and Ms. Turner said no. Mr. Stikeleather said it is a proactive approach as Moyock grows. It will keep property owners from putting their drain fields in an area that it may be damaged by heavy equipment used to maintain the ditches.

The board had no further questions for staff.

Mr. Bissell came before the board to talk in opposition of the text amendment and presented three slides.

Ms. Turner said, although she is not disagreeing with Mr. Bissell, it is not what is before the board tonight.

Ms. LoCicero suggested the text amendment be tabled so we can review it to see if an amendment is needed.

Ms. Turner asked if there were applications that would need this approved text amendment. Mr. Stikeleather said a month or two delay would not be an issue since this problem has been ongoing for years.

There were no public comments.

Mr. Bass moved to **table PB 20-16** in view of the fact we need to get some clarification.

Ms. Krause seconded the motion and the motion carried unanimously to table the text amendment 5-0.

RESULT:	TABLED [UNANIMOUS]	Next: 3/9/2021 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	Juanita S Krause, Board Member	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member	

E. PB 21-01 Currituck County Multi-Family Townhouse Stormwater Text Amendment:

Ms. LoCicero presented the staff report for the multi-family townhouse stormwater text amendment along with a PowerPoint presentation. At the direction of the Board of Commissioners, staff was asked to revise 7.3.4.B.2 of the Unified Development. The proposed text amendment will amend the stormwater requirements for Type I Major Subdivision of a multi-family townhouse development. This amendment will allow a twenty lot or less subdivision of a multi-family townhouse development to meet the stormwater standards of a commercial development which are designed to handle a five year twenty-four hour rain event. The larger subdivision's stormwater infrastructure must be designed to handle a ten year twenty-four hour rain event. Ms. LoCicero went over the review standards and the statement of consistency and reasonableness.

Mr. Strikeleather came before the board to explain why this text amendment was necessary.

There were no public comments.

Mr. Bass moved to **approve PB 21-01** because the request **is** consistent with the goals, objectives, and policies of the Land Use Plan including:

- **POLICY HN8:** To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards. (See Transportation Policies for details concerning requirements for paved roads.)
- **POLICY WQ4:** RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed pre-development volumes.

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

- It is consistent with policies within the Land Use Plan;
- It provides flexibility for the design for multi-family development subdivisions.

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

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 3/1/2021 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	David Doll, Board Member	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member	

ANNOUNCEMENTS

Ms. LoCicero said the Land Use Plan, Imagine Currituck, will be coming to the Planning Board in the next few months for review.

ADJOURNMENT

Mr. Bass motioned to adjourn the meeting. Ms. Krause seconded the motion and the motion carried unanimously. The meeting adjourned at 9:32 PM.



CURRITUCK COUNTY NORTH CAROLINA

January 12, 2021

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 Donna Voliva, Assistant Planning Director; Jennie Turner, Planner II; and Matt Kirkendall, Planner I. The board members were briefed concerning the agenda items. Informal discussion followed.

CALL TO ORDER - 6:00 PM

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

Attendee Name	Title	Status	Arrived
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Present	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Absent	
Juanita S Krause	Board Member	Absent	
Laurie LoCicero	Planning Director	Present	
Donna Voliva	Assistant Planning Director	Present	
Jennie Turner	Planner II	Present	
Matt Kirkendall	Planner I	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 items 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 made a motion to approve agenda and to add to the February agenda selecting officers. Mr. Doll seconded the motion and the motion carried unanimously.

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

APPROVAL OF MINUTES FOR DECEMBER 8, 2020

Chairman Ballance asked if there were any changes needed to the minutes for December 8, 2020. Mr. Owens moved. Mr. Bass seconded the motion. The motion carried unanimously.

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

E. PB Meeting Minutes - December 8, 2020

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

A. PB 20-19 Bissell Professional Group:

Donna Voliva, Assistant Planning Director, presented the staff report.

Mr. Bass asked about the agenda item description stating 4 lots. Ms. Voliva clarified that it was changed to 3 lots by the applicant and the agenda description was probably carried over from the prior meeting.

The applicant, Mr. Bissell, came before the board and thanked Donna and planning staff for working to resolve issues on the text amendment.

Mr. Bissell asked for further clarification of staff's suggested ordinance change to staffs change #3 on each subdivision lot so that the first lot is paying fees for that lot but not all lots; also a change for the development fees on a lot by lot basis.

Mr. Bass asked for clarification of the wording.

Mr. Bissell clarified for the board.

Chairman Ballance opened the floor for public comment.

Cathleen Saunders, with Quible & Associate, came before the board on behalf of Tractor Supply and Moyock Development Group, LLC. She said they have the same issue and would like to develop into 2 or 3 lots and it would be considered a major subdivision to amend the use permit.

Ralph Ronalter of Baseline Development Group works for Tractor Supply and spoke in support of the text amendment.

Sanford Cohen of 4445 Corp. Lane in Virginia Beach, Virginia, echoed support for the text amendment and thanked staff.

Chairman Ballance closed the public hearing.

Bryan Bass moved to recommend **approval** of **PB 20-19** subject to the staff and the applicants suggested modifications:

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

Because the request is consistent with the 2006 Land Use Plan Policy CD4 by encouraging nonresidential development to cluster along arterial roadways and provide internal vehicular connectivity.

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

- The proposed text amendment will result in a logical and orderly development pattern since new development would be required to submit a general plan of development addressing the installation of infrastructure improvements as well as the maintenance responsibilities of private and common infrastructure.

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

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 2/1/2021 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	David Doll, Board Member	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member	

B. PB 20-23 Miller Homes and Builders, LLC:

Donna Voliva, Assistant Planning Director, presented the staff report.

Ms. Voliva referenced page 53 of the agenda packet for board members to see the comparisons for the current uses under Conditional-General Business and the requested uses that will be available under the General Business zoning. Ms. Voliva reviewed the Full Service Area and the Moyock Small Area Plan. Ms. Voliva explained the previous rezoning and explained it was focused on the bakery and the conceptual plan included the current modular home that is on the property. Now there is indication that the modular home will be removed. Ms. Voliva reminded the board that conditions cannot be added to this request since it is for a straight conventional rezoning. Staff is recommending that the applicant submit an application for a conditional rezoning to help control the business uses that would be allowed on the property.

The applicant, Mr. Miller, came before the board and gave the background information on the bakery that his wife currently operates and the previous rezoning of the property. He explained the state statute with conditional zoning having to have a site plan. He said since the property is only 1.05 acres they are limited on what they could put there. He said they want to remove the modular home to add offices for bookkeeping. He said they may lease out any offices that they do not use.

Chairman Ballance opened and closed the public hearing since no one had signed up to speak.

Chairman Ballance moved to recommend **approval** of **PB 20-23** because the request is consistent with Land Use Plan and Policy CD1 and the Moyock Small Area Plan Policies CC2 and ST2.

The request is reasonable and in the public interest because:

- The property is designated as Full Service in the Land Use Plan and the Moyock Small Area Plan.
- The property is adjacent to General Business zoned property.
- The property is approximately 1.05 acres and limits the size and scale of development.
- The allowable uses in the GB zoning district are consistent with the LUP and Moyock Small Area Plan and compatibility can be adequately addressed through the site plan review process and requirements of the UDO.

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

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 2/1/2021 6:00 PM
MOVER:	C. Shay Ballance, Chairman	
SECONDER:	David Doll, Board Member	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member	

C. PB 20-25 Stormwater BMP:

Laurie LoCicero, Planning Director presented the staff report to the board. She and Matt Kirkendall, Planner I, worked on the text amendment together. She introduced him to the board. Ms. LoCicero gave background on the text amendment. She said the Board of Commissioners directed staff to model how an increase in stormwater standards may impact a residential subdivision and this is how this stormwater BMP text amendment came to fruition.

Andy Deel who lives at 318 Griggs Acres Drive, Point Harbor, came before the board. He said this is the third meeting he is attending concerning the stormwater. He said it is not simple thing to define what a ditch will do in all areas of the County and stormwater should be treated as a utility. He was hired to create the Moyock drainage ditches when he worked at Quible & Associates and is very familiar with the problems here which come from the low lying land with poor soils, along with the water systems that surround the area. He explained the process of the drainage ponds and how long it takes for them to drain to a pre-storm level. He said one culvert under a road downstream will do more good for drainage than increasing stormwater BMPs (ponds) by 2.5 times their current required size. Mr. Deel said increasing the ponds in developments may create more of a problem since it will take longer for them to drain; increasing the chance for a secondary storm to bring more rainfall before the pond is at a low level.

Board members asked Mr. Deel questions.

David Klebitz, Engineer with Bissell Professional Group, came before the board. He said he attended the last two meetings that this topic was discussed. He agrees with all statements made by Mr. Deel. At the prior meetings, citizens were entering the meetings with the preconceived idea that this increase in pond size for developments would be good for the County. Once the engineers had explained their views concerning stormwater, the citizens had their minds changed. He said with this text amendment the ponds will now stay full twice the amount of time which will increase the risk if another weather event happens while the ponds are full. He said all of Moyock needs to be modeled and then figure out what needs to be done. It should not be modeled on each housing development; this does not fix the problem throughout the County. He said the County needs to be proactive and start now with the entire modeling to figure out how to fix the stormwater problem, which is something Virginia Beach did about 10 years ago.

Cathleen Saunders, Engineer with Quible & Associates came before the board. She previously had worked with the Stormwater Division for the City of Newport News. They did drainage analysis to fix their problems as a whole instead of putting it on new developments.

Chairman Ballance said he has problems, as well, in the area where he lives because the water outflow is located on property with a clogged ditch; The property owner will not let anyone clear the problem ditch.

Chairman Ballance closed the public hearing.

Mr. Bass moved to recommend **denial** of **PB 20-25** because the request is not consistent with the Land Use Plan because given the expert testimony that we heard tonight we do not feel that it will solve the problem that has been addressed. And the request is not reasonable and in the public interest because according to the expert testimony we have heard tonight it will not solve the issue.

Chairman Ballance seconded the motion and the motion carried with a unanimous recommended denial.

RESULT:	RECOMMENDED DENIAL [UNANIMOUS]	Next: 2/1/2021 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	C. Shay Ballance, Chairman	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member	
ABSENT:	Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member	

ANNOUNCEMENTS

Laurie LoCicero gave notice the Board of Commissioners' have a retreat scheduled for February 4th through February 6th; Drainage issues will be discussed. Also, the next Board of Commissioners meeting is scheduled for Tuesday, January 19th at 2 PM. She stressed the time change to 2 PM for anyone who wants to attend.

Chairman Ballance said a previous board member, Jane Overstreet, had passed away over the holidays. He said she was a good advocate for the 4-Wheel Drive area and said he was sorry to hear of her passing.

Chairman Ballance said flooding has become a problem, along with the rough lot of the Grandy Convenience Center. Ms. LoCicero advised that the County Engineer is currently working on the Shawboro Convenience Center site and Grandy may be next on the list. She said there is discussion to pave the sites.

ADJOURNMENT

Mr. Owens moved to adjourn the meeting. Mr. Doll seconded the motion and the meeting adjourned at 7:55 PM.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3037

Agenda Item Title: PB 21-04 Flora Farm:

Submitted By: Tammy Glave – Planning & Community Development

Item Type: Legislative

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

Conditionally rezone 202.44 acres from AG to C-MXR to allow subdivision with 277 single-family dwelling lots, 7,500 sf neighborhood commercial units, and associated amenities.

Planning Board Recommendation: Approval with Conditions

Staff Recommendation: Denial

TRC Recommendation: Denial



STAFF REPORT
PB 21-04 FLORA FARM
CONDITIONAL ZONING
BOARD OF COMMISSIONERS
MARCH 1, 2021

APPLICATION SUMMARY

Property Owner: Mary Nell Flora Brumsey 117 Puddin Ridge Road Moyock NC 27958 John J. Flora III PO Box 369 Moyock NC 27958	Applicant: North-South Development Group LLC Justin Old 417 Caratoke Hwy Unit D Moyock NC 27958
Case Number: 21-04	Application Type: Conditional Rezoning
Parcel Identification Numbers: 0015-000-085A-0000 0015-000-085B-0000 0015-000-085C-0000	Existing Use: Single-Family Dwelling and Cultivated Farmland
Land Use Plan Classification: Full Service	Parcel Size (Acres): 202.44
Moyock Small Area Plan Classification: Full and Limited Service	Zoning History: AG (2013); A (1989); A-40 (1975)
Current Zoning: AG	Proposed Zoning: C-MXR
Request: Conditionally rezone 202.44 acres from AG to C-MXR to allow subdivision with 277 single-family dwelling lots, 7,500 sf neighborhood commercial units, and associated amenities.	

REQUEST

NARRATIVE

The developer is proposing a development with 277 single-family dwelling lots and limited neighborhood commercial development. Approximately 83 of the 202 acres are proposed to be open space. Residential amenities include a dog park, picnic area, pool, clubhouse, and sidewalks. Non-residential amenities include an outdoor dining area and a patio with benches. The developer will also be installing an 8' multi-use path along Caratoke Highway as is required by the Currituck Transportation Plan.

The three non-residential buildings will be required to meet all non-residential design standards and community compatibility standards of the UDO. Since the three buildings combined exceed 5,000 sf, if there are 4 or more tenant spaces combined within the three buildings, the shopping center design standards must be met.

Attachment: 1 PB 21-04 Flora C-MXR Staff Report PB 2-9-2021 (PB 21-04 Flora Farm: MXR)

ZONING	APPROX MAX # UNITS	OPEN SPACE (%)	GROSS DENSITY (Units/Acre)	NET DENSITY “FEELS LIKE”** (Units/Acre)
AG (EXISTING)	66	50	.33	.73
SFM	202	40	1	1.66
MXR** (Single-Family)	404	30	2	2.85
C-MXR Proposed (Single-Family)	277	40.9	1.37	2.58
*Assumes 10% area for infrastructure. **These numbers are assuming the Full Service designation in the <i>Land Use Plan</i> would supersede the split Full Service/Limited Service designation in the Moyock Small Area Plan as in an adjoining development.				

UTILITIES AND DRAINAGE

The subdivision will connect to county water and be services by a private wastewater treatment plant (Currituck Water and Sewer Inc.). Staff recommends that an authorization from Currituck Water and Sewer Inc to connect to wastewater be provided indicating gallops per day allowed for this development at the rezoning stage since the plant is operating under violation and connections may be limited.

There is an emphasis on downstream maintenance at this time. There are portions of Rowland Creek and the ditches on Guinea Road and Survey Road with brush and debris that need to be cleaned up. The conceptual plan provides limited drainage details.

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. Stormwater shall be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales. With designated wetlands on the property, major drainage features traversing the site, high ground water table, low elevation, soils with slow permeability and the known drainage issues in the area, extra precaution must be made to ensure compliance with drainage regulations.

TRANSPORTATION

The internal transportation network includes a divided boulevard within an 80' minimum right-of-way, a typical local roadway with a 40' minimum right-of-way, 4 interconnections with Fost Planned Development, and 5' sidewalks along all streets. The external transportation network includes the main boulevard connection on the south side of Survey Road, a driveway connection on the north side of Survey Road, and an 8' multi-modal path along Caratoke Highway. The residential units and commercial area are expected to generate the below trips per day at full build-out in 2024.

ZONING	TRIPS PER DAY
AG (EXISTING)	632
SFM	1933
MXR** - Single-Family CMX-R Proposed <i>Potential commercial traffic not factored into this count</i>	3866 2651 <i>Proposed commercial traffic not factored into this count</i>
**These numbers are assuming the Full Service designation in the Land Use Plan would supersede the split Full Service/Limited Service designation in the Moyock Small Area Plan as in an adjoining development.	

The December 16, 2020 memo regarding the TIA was approved by NCDOT on February 9, 2021. Below are the updated Trip Generation Results based on that memo:

Findings and Conclusions

As a result, the updated Flora Farms site is expected to generate fewer total trips than what was analyzed in April 2020. Table 3 shows the percent reduction in site trips for the calculated daily, AM peak hour, and PM peak hour external site trips. The lane use totals are expected to reduce the AM peak hour trips by approximately 24% and the PM peak hour site trips by approximately 51%.

From: Andrew Topp, PE, PTOE
Ref: Flora Farms Trip Generation Update
December 16, 2020
Page 4



Memorandum

Table 3: Trip Generation Differences

Trip Type	ADT	AM Peak Hour			PM Peak Hour		
		Enter	Exit	Total	Enter	Exit	Total
Total External Site Trips							
April 2020 TIA	8,380	189	274	463	393	324	717
November 2020 Update	3,652	144	208	352	207	141	348
% Difference	-56.4%	-23.8%	-24.1%	-24.0%	-47.3%	-56.5%	-51.5%
Pass-By Trips							
April 2020 TIA	-	0	0	0	77	78	155
November 2020 Update	-	0	0	0	13	14	27
% Difference	-	-	-	-	-83.1%	-82.2%	-82.6%
Non-Pass-By Trips							
April 2020 TIA	-	189	274	463	316	246	562
November 2020 Update	-	144	208	352	194	127	321
% Difference	-	-23.8%	-24.1%	-24.0%	-38.6%	-48.4%	-42.9%

Therefore, the new site plan does not warrant an update to the Flora Farms Subdivision TIA. The trips projected in the TIA will account for all traffic that is now proposed for the site. The trip generation pages for each land use code from the *ITE Trip Generation Manual, 10th Edition* are attached at the end of this memorandum.

Below are excerpts from the original TIA:

Caratoke Highway and Survey Road (unsignalized)

The Survey Road eastbound stop-controlled approach is expected to operate at a Level of Service (LOS) E during the PM peak hour under Build (2026) conditions if no additional improvements are made. After the build-out of the development, vehicles will be able to access full movement traffic signals at Survey Road to north of the development, and Fost Boulevard south. Therefore, the following improvements are recommended for the intersection:

- Provide a southbound right-turn lane with at least 100 feet of full storage and appropriate taper.

- Restrict access at the intersection to not allow left-turns off of Survey Road. This restriction of access should be completed when approximately 30% of the total estimated trips for the site are observed, likely in conjunction with the southbound right-turn lane installation.
- Stripe out at least 200 feet of storage within the existing two-way left-turn lane along Caratoke Highway for the northbound left turn.
- Monitor the intersection for potential signalization in the future.

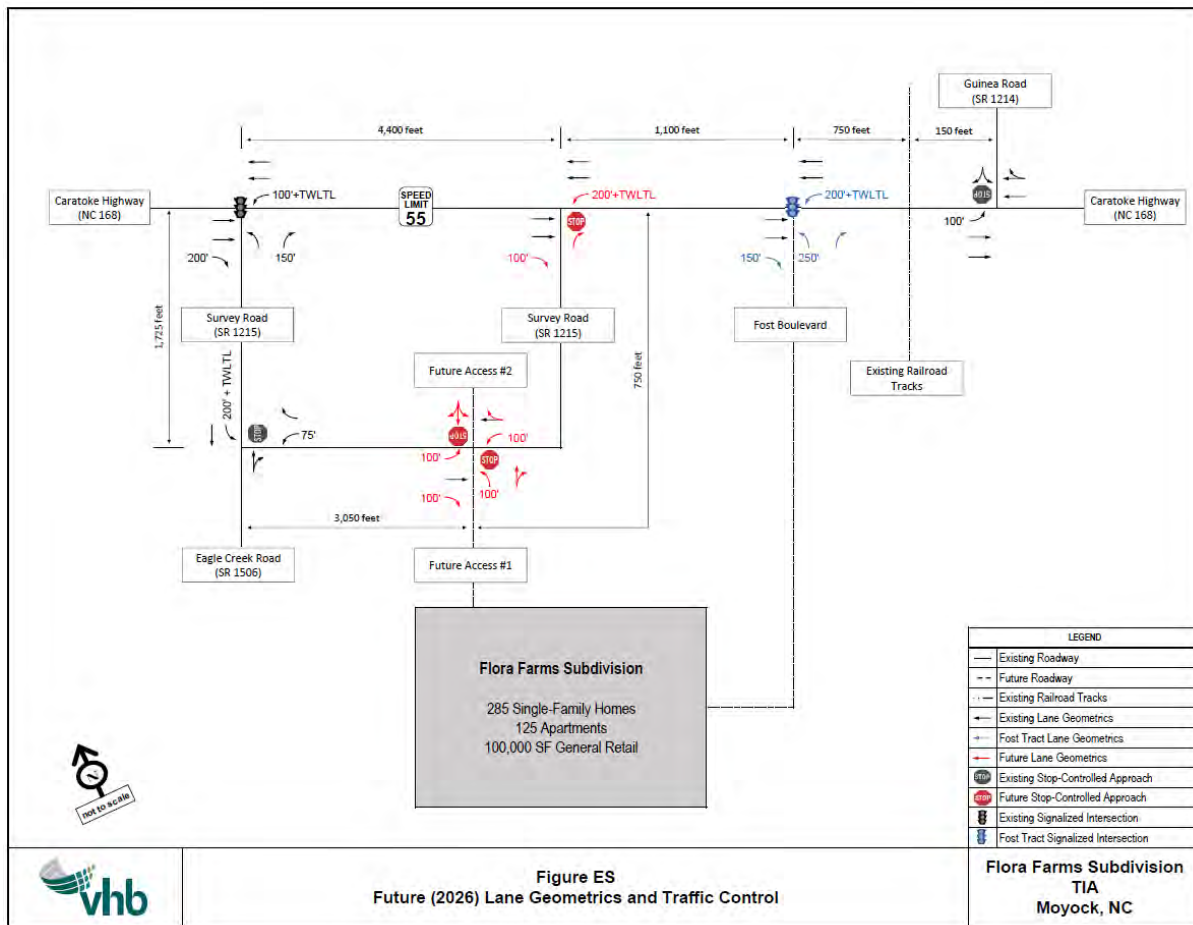
Survey Road and Future Access #1/Future Access #2

The proposed stop-controlled driveways are projected to operate at acceptable levels of service during peak hours under Build (2026) conditions. The following driveway configuration for both access driveways should be considered to enhance traffic operations and safety:

- Connect both driveways to Survey Road with stop-controlled approaches as a full movement four-leg intersection.
- Construct Future Access #1 with one ingress lane and two egress lanes. Provide northbound left-turn lane with a minimum of 100 feet of full storage and appropriate taper and a through/right-turn lane. Lydia Street intersects with Future Access #1 approximately 300 feet from Survey Road, which provides the proper internal protected stem to accommodate projected queues. Typically, NCDOT requires a 100 foot minimum internal protected stem for this type of facility.
- Construct Future Access # 2 with one ingress lane and one egress lane.
- Provide an eastbound left-turn lane and right-turn lane along Survey Road, both with a minimum of 100 feet of full storage and appropriate taper.
- Provide a westbound left turn lane along Survey Road with at least 100 feet of full storage and appropriate taper.

The other intersections within the study area are projected to remain at an acceptable LOS once the development is completed; therefore, no additional offsite lane geometric improvements are recommended.

The illustration below depicts the TIA's recommended improvements noted above including an additional stoplight on Caratoke Highway (Survey Road and Fost Boulevard):



The following table depicts the Summary Level of Service Table. NCDOT defines the relationship of travel demand compared to the roadway capacity as the level of service (LOS) of a roadway. Please also reference the attached NCDOT LOS Definitions. The last column of the table indicates LOS at full build-out with road improvements. These counts do not consider the proposed school that is a part of this request; therefore, the LOS projections are not an accurate reflection all proposed uses in the PD-R request.

TRAFFIC IMPACT ANALYSIS

Table ES-1 Summary Level of Service Table

Intersection and Approach	Traffic Control	Existing (2019)		No-Build (2026)		Build (2026)		Build (2026) with Improvements	
		AM	PM	AM	PM	AM	PM	AM	PM
Caratoke Highway (NC 168) and Survey Road	Signalized	B (12.3)	A (7.8)	B (13.5)	B (12.2)	B (16.0)	B (18.1)	B (15.7)	B (18.0)
Eastbound		D-44.8	D-46.3	D-43.7	D-50.0	D-41.5	E-61.2	D-41.5	E-61.2
Northbound		A-6.7	A-3.5	A-7.2	A-3.6	A-9.8	A-5.1	A-9.2	A-4.8
Southbound		A-5.9	A-5.8	B-11.2	B-12.2	B-12.0	B-16.2	B-12.0	B-16.2
Caratoke Highway (NC 168) and Survey Road	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Eastbound		A-9.7	C-15.1	B-10.5	C-21.2	C-23.3	F-844.9	B-11.4	E-37.9
Caratoke Highway (NC 168) and Guinea Road	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Westbound		C-15.0	C-15.5	C-20.6	C-21.2	C-22.6	C-23.7	C-22.6	C-23.7
Survey Road and Eagle Creek Road	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Westbound		A-9.6	A-9.8	B-10.2	B-10.4	B-11.2	B-12.1	B-11.2	B-12.1
Caratoke Highway (NC 168) and Fost Boulevard	Signalized	N/A	N/A	B (11.1)	B (11.3)	B (11.9)	B (11.3)	B (13.9)	B (14.1)
Eastbound		N/A	N/A	C-30.5	D-38.2	C-30.1	D-41.1	C-30.2	D-43.7
Northbound		N/A	N/A	A-9.5	B-11.1	A-9.9	B-11.6	B-11.6	B-13.3
Southbound		N/A	N/A	A-4.6	A-8.0	A-7.2	A-7.2	A-9.4	A-9.9
Survey Road and Future Access #1/Future Access #2	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Northbound		N/A	N/A	N/A	N/A	B-13.3	C-23.5	B-11.7	C-15.4
Southbound		N/A	N/A	N/A	N/A	B-12.4	C-17.7	B-11.7	C-16.2

X (XX.X) = Overall intersection LOS (average delay), X-XX = Approach LOS and average delay

COMMUNITY MEETING

The developer held a community meeting on December 16, 2020. Six members of the public attended the meeting, all from Ranchland. Most of the questions were regarding drainage, berm placement, school capacity, home prices, phasing, and fire hydrants/fire ratings.

SURROUNDING PARCELS

	Land Use	Zoning
North	Low Density Residential/ Cultivated Farmland	AG/GB
South	Low Density Residential/ Cultivated Farmland	SFM/AG
East	Fost Planned Development	PD-R
West	Residential (Eagle Creek and Ranchland)	SFM/AG

ZONING MAP AMENDMENT REVIEW STANDARDS

The advisability of an amendment to the Official Zoning Map 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 a proposed map amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance;
2. Is 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 compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;

6. Adversely impacts nearby lands;
7. Would result in a logical and orderly development pattern;
8. Would result in significant adverse impacts on the natural environment— including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
9. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
10. Would not result in significantly adverse impacts on the land values in the surrounding area; and,
11. Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.

STAFF'S CONCERNS REGARDING PROJECT CONSIDERATION AT THIS TIME:

- Inconsistent with the Land Use plan (see below).
- Inconsistent with the Moyock Small Area Plan (see below).
- Over density allowed in the Limited Service area in the Moyock Small Area Plan.
- Inadequate public facilities (schools – see email from County Manager).
- Soils in the project location are concerning. Roanoke fine sandy loam and Cape Fear Silt are found on the property. According to the Currituck County Soils survey, these soils are “poorly suited to most urban and recreation uses because of flooding, wetness, slow permeability and low strength.”
- Currituck Water and Sewer having capacity to handle this development’s wastewater since it is currently operating under violation and the provider noted upgrades that must be made to the current WWTP.

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 to properly manage the increased urban level of growth that this area is sure to experience over the next decade and beyond. Section 2.4.4.E of the UDO states that the BOC may consider certain factors including that the proposal “Is Consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purpose of the UDO.” While the proposal is consistent with some policies in the Land Use Plan (see attached list from developer for more detail), it is inconsistent with other policies of the plan, some of which are:

Policy SF4	Currituck County shall continue to support a service level policy for schools that calls for the construction and maintenance of classroom space sufficient to avoid the use of mobile classroom units. <u>Comments:</u> • Approximately 171 dwelling units are proposed in the Moyock Elementary School district where no school capacity currently exists. • For rezonings, one of the factors the Board of Commissioners may weigh in determining whether to adopt or deny a proposal is whether the approval results in development that is adequately served by public facilities. With a rezoning, there is not the allowance for adequate public facilities to be programmed to be in place within two years. Approving the rezoning without adequate public facilities currently in place would be inconsistent with the intent of the UDO. This is a conditional rezoning, and conditions can be placed on the project to minimize impact based on the school expansion update from the County Manager (see below). This may include modification of the proposed phasing plan, delaying the submittal for a preliminary plat Use Permit until two years before facilities are programmed to be in place, or other timing conditions. <i>*According to a January 15, 2021 email, the County Manager “expects to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years (from June 1st – staff addition).”</i>
------------	--

Policy PP2	Currituck County shall continue to implement a policy of ADEQUATE PUBLIC FACILITIES, sufficient to support associated growth and development. Such facilities may include but not limited to water supply, school capacity, park and open space needs, firefighting capability, and law enforcement. <u>Comments:</u> - Approximately 171 dwelling units are proposed in the Moyock Elementary School district where no school capacity currently exists. - For rezonings, one of the factors the Board of Commissioners may weigh in determining whether to adopt or deny a proposal is whether the approval results in development that is adequately served by public facilities. With a rezoning, there is not the allowance for adequate public facilities to be programmed to be in place within two years. Approving the rezoning without adequate public facilities currently in place would be inconsistent with the intent of the UDO. This is a conditional rezoning, and conditions can be placed on the project to minimize impact based on the school expansion update from the County Manager (see below). This may include modification of the proposed phasing plan, delaying the submittal for a preliminary plat Use Permit until two years before facilities are programmed to be in place, or other timing conditions. <i>*According to a January 15, 2021 email, the County Manager “expects to give the notice to proceed with the school expansion project by June 1st. The expansion should increase the capacity of Moyock Elementary School to 750 students. The project should be completed by the start of the 2023-2024 school session. Because of the expansion project this summer, we will have a solution to our adequate public facility issue regarding Moyock Elementary within two years (from June 1st – staff addition).”</i>
------------	--

MOYOCK SMALL AREA PLAN

The Moyock Small Area Plan classifies this site as Full Service and Limited Service. The policy emphasis for Full Service in Moyock is to provide focal points in the community where high amounts of activity occur. Both residential and commercial components will be present in Full Service areas. Cluster or planned commercial and residential areas with diversity in housing types is preferred. The policy emphasis for Limited Service designations are less intensely developed than Full Service. Emphasis is more on residential development and densities. Limited Service designation has reduced public services such as fire protection, emergency service, recreation, and public water. While the proposal is consistent with some policies in the Moyock Small Area Plan (see attached list from developer for more detail), it is inconsistent with other policies of the plan, some of which are:

Policy CC1	Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan. <u>Comments:</u> According to the Limited Service designation on the Future Land Use Map, 129 lots are allowed in the Limited Service designation. 175 lots are proposed.
------------	---

The Moyock Small Area Plan, adopted by the BOC in 2013, was championed by a 15 member Stakeholder Committee. Through the year and half long process, the stakeholder committee and citizens were guided through a public input process giving them opportunities to provide input. The Small Area Plan promotes thoughtful, responsible growth. This plan will supplement the Land Use Plan *to more specifically address the needs and issues of Moyock*. The plan established a new focus for growth and development in Moyock. The Board of Commissioners and staff use the SAP to make recommendations about development proposals and other county land use policy decisions. This plan is a vital tool for staff in day to day decision making and in assisting the public with development proposals.

While it is good Planning practice to place more importance on an adopted plan specific to a small area, as with Fost the Board of Commissioners may wish to place less emphasis the Moyock Small Area Plan and rely solely on the more general Land Use Plan that is applicable county-wide.

RECOMMENDATION

Technical Review Committee

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

1. There is not adequate school capacity for this development currently. Moyock Elementary exceeds Actual Capacity for this school year. Without adequate school capacity, this project is recommended for denial. Phasing a project to allow a limited number of lots (school children) per year does not meet the adequate public facilities ordinance of the UDO since school capacity is not currently available. The process for expanding MES for additional classroom space has started. The Board of Commissioners and the Board of Education have made a Request for Proposals for a consultant for a design/build contract for the expansion construction. Approving the plan without the school capacity in place would result in development that is not adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities) at present time and would not meet the criteria the Board may consider at a rezoning. *Please see above note from County Manager.*

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹				
School	2019-2020 2020-2021 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	109%	115%	126%	+69
Shawboro Elementary	94%	97%		
Central Elementary	80%	89%		
Griggs Elementary	56%	59%	101%	
Jarvisburg Elementary	82%	88%		
Knotts Island Elementary	35%	36%	36%	
Moyock Middle	95%	79%	93%	+22
Currituck Middle	61%			
Currituck High	84%	86%	106%	+38
JP Knapp Early College	93%			

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

²Capacity percentages are based on 2019-2020 and 2020-2021 school year classroom standards and August 2020 ADM

³Capacity percentages are based on the 2021-2022 school year classroom standards and August 2020 ADM

2. According to the Moyock Small Area Plan, 129 lots are allowed in the Limited Service district and 175 are proposed. The density limits for each district must be met separately.

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 not consistent with 2006 Land Use Plan because:

- The proposed use identified in the request is a residential subdivision;
- The request is located in the Moyock Elementary School district;
- The Moyock Elementary School average daily membership (ADM) for August 2020 exceeds the actual school capacity adopted by the Currituck County Board of Education;
- The request increases the number of projected students in the Moyock Elementary School district by approximately 43 students based on the Student Generation Rate study prepared by Tischler and Associates, Inc. (2004);
- The request will exceed the county's ability to provide adequate public facilities and is inconsistent with 2006 LUP Policy PP2.
- The proposal exceeds the number of lots allowed by the Moyock Small Area Plan in the Limited Service area.
- No assurance that adequate wastewater treatment can be provided by the current private WWTP

It is not reasonable and not in the public interest because the proposed development can not be adequately served by public facilities (schools) and is not in harmony with the purposes and intent of the UDO, including but not limited to the purpose and intent of the subdivision standards (Section 6.1.1.).

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.

The applicant is requesting the Board of Commissioners agree to the following conditions of approval:

Condition 1 regarding drainage improvements:

Drainage improvements will be provided as follows:

- a. Extend the Rowland Creek drainage improvements to the Eagle Creek Pumpstation, with agreement from Eagle Creek.
- b. Make improvement to the drainage ditch that runs along the common boundary between the Fost/Brumsey property and Eagle Creek/Ranchland based on results of the stormwater modeling of existing conditions.
- c. Perform stormwater modeling of the proposed Flora Farm development to manage the 100 year storm event and provide stormwater storage, including berms as necessary.

Condition 2 regarding phasing:

- a. Development will be recorded in 5 phases. Developer will not record the first phase before June 1, 2022.
- b. The first phase will not contain more than 55 lots.
- c. Subsequent phases will not be recorded sooner than 6 months following the prior phase, and in any event, no sooner than January 1, 2023.
- d. Developer will retain the right to provide an annual update of phasing, including making adjustments to phase lines and the sequence of recording, as long as the timing of total lots recorded in the above conditions is followed.

While the Technical Review Committee is recommending **denial** of this request, should the Board of Commissioners approve the request, the following conditions of approval are recommended:

- a. That the application for preliminary plat/use permit for the subdivision not be submitted until the Notice to Proceed with the school expansion project is fully executed. (Estimated June 1, 2021 – See below note from County Manager)
- b. That the conditions of approval proposed by the applicant be incorporated into the approval.
- c. That the model home sample elevations be incorporated into the approval.
- d. That certification be provided that the private WWTP proposed to service this development can accommodate the gpd of wastewater this development proposes to generate.

RECOMMENDATION

Planning Board

The Planning Board recommends approval of the conditional rezoning subject to the following conditions:

Condition 1 regarding drainage improvements:

Drainage improvements will be provided as follows:

- a. Extend the Rowland Creek drainage improvements to the Eagle Creek Pumpstation, with agreement from Eagle Creek.
- b. Make improvement to the drainage ditch that runs along the common boundary between the Fost/Brumsey property and Eagle Creek/Ranchland based on results of the stormwater modeling of existing conditions.
- c. Perform stormwater modeling of the proposed Flora Farm development to manage the 100 year storm event and provide stormwater storage, including berms as necessary.

Condition 2 regarding phasing:

- a. Development will be recorded in 5 phases. Developer will not record the first phase before June 1, 2022.
- b. The first phase will not contain more than 55 lots.
- c. Subsequent phases will not be recorded sooner than 6 months following the prior phase, and in any event, no sooner than January 1, 2023.
- d. Developer will retain the right to provide an annual update of phasing, including making adjustments to phase lines and the sequence of recording, as long as the timing of total lots recorded in the above conditions is followed.

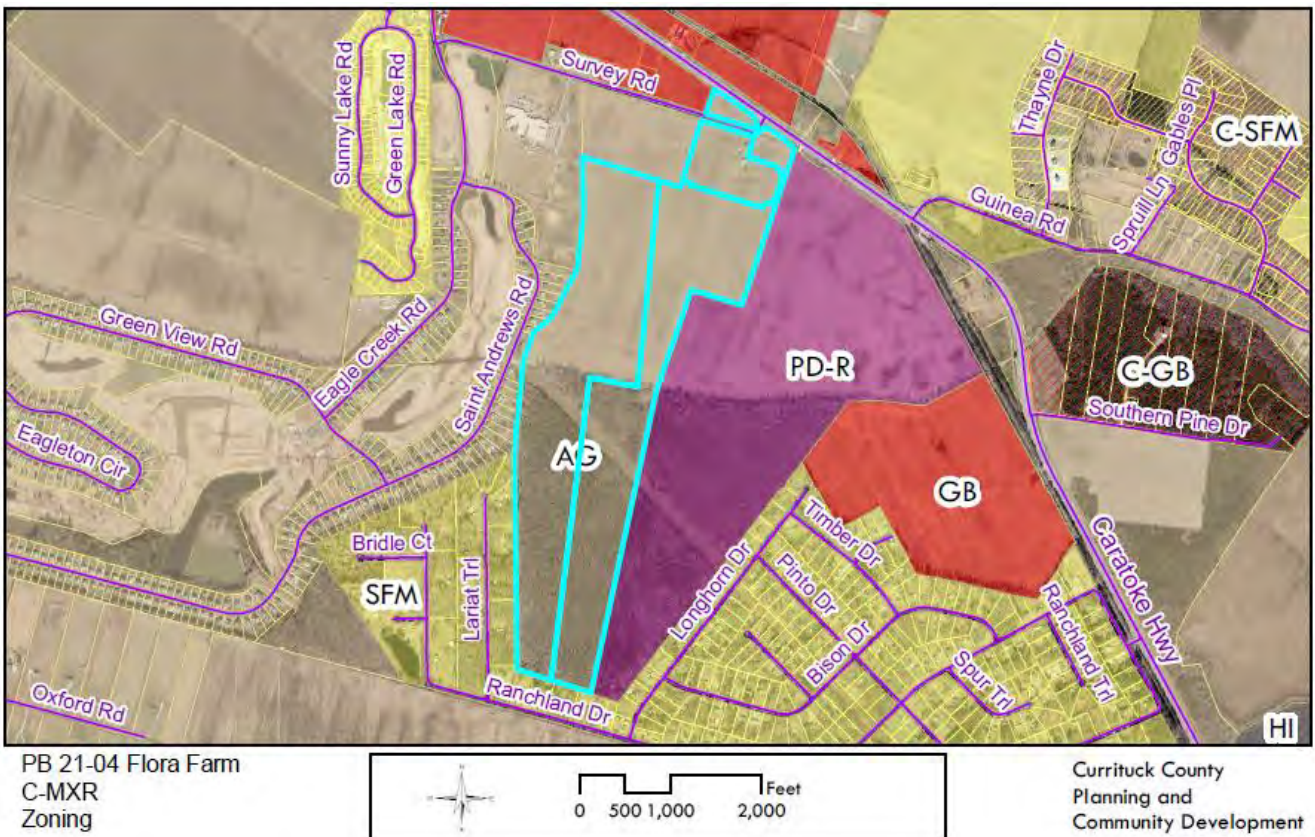
- a. That the application for preliminary plat/use permit for the subdivision not be submitted until the Notice to Proceed with the school expansion project is fully executed. (Estimated June 1, 2021 - See below note from County Manager)
- b. That the conditions of approval proposed by the applicant be incorporated into the approval.
- c. That the model home sample elevations be incorporated into the approval.

d. That certification be provided that the private WWTP proposed to service this development can accommodate the gpd of wastewater this development proposes to generate.

Also, the additional TRC conditions of approval are included as follows:

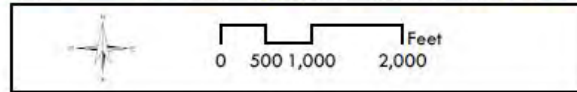
- a. That the application for preliminary plat/use permit for the subdivision not be submitted until the Notice to Proceed with the school expansion project is fully executed. (Estimated June 1, 2021 - See below note from County Manager)
- b. That the conditions of approval proposed by the applicant be incorporated into the approval.
- c. That the model home sample elevations be incorporated into the approval.
- d. That certification be provided that the private WWTP proposed to service this development can accommodate the gpd of wastewater this development proposes to generate.

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

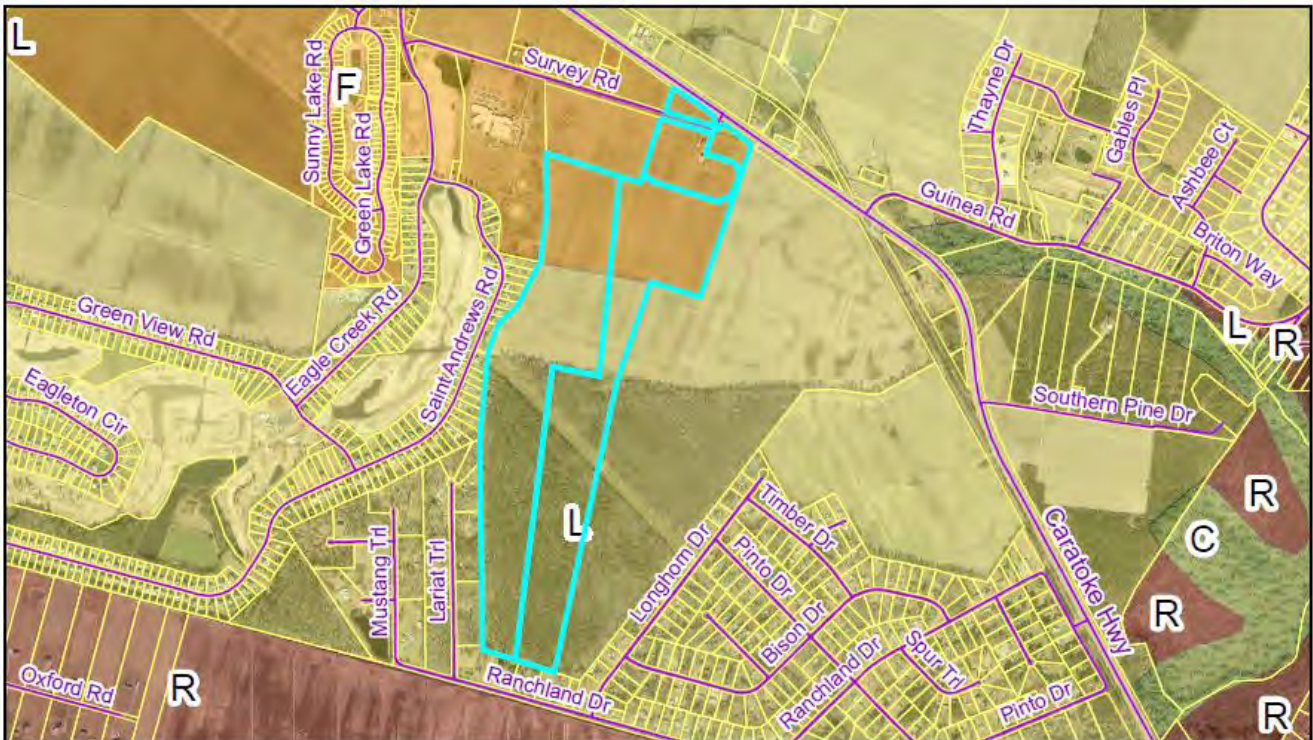




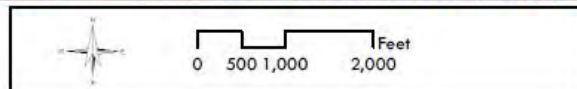
PB 21-04 Flora Farm
C-MXR
LUP Classification



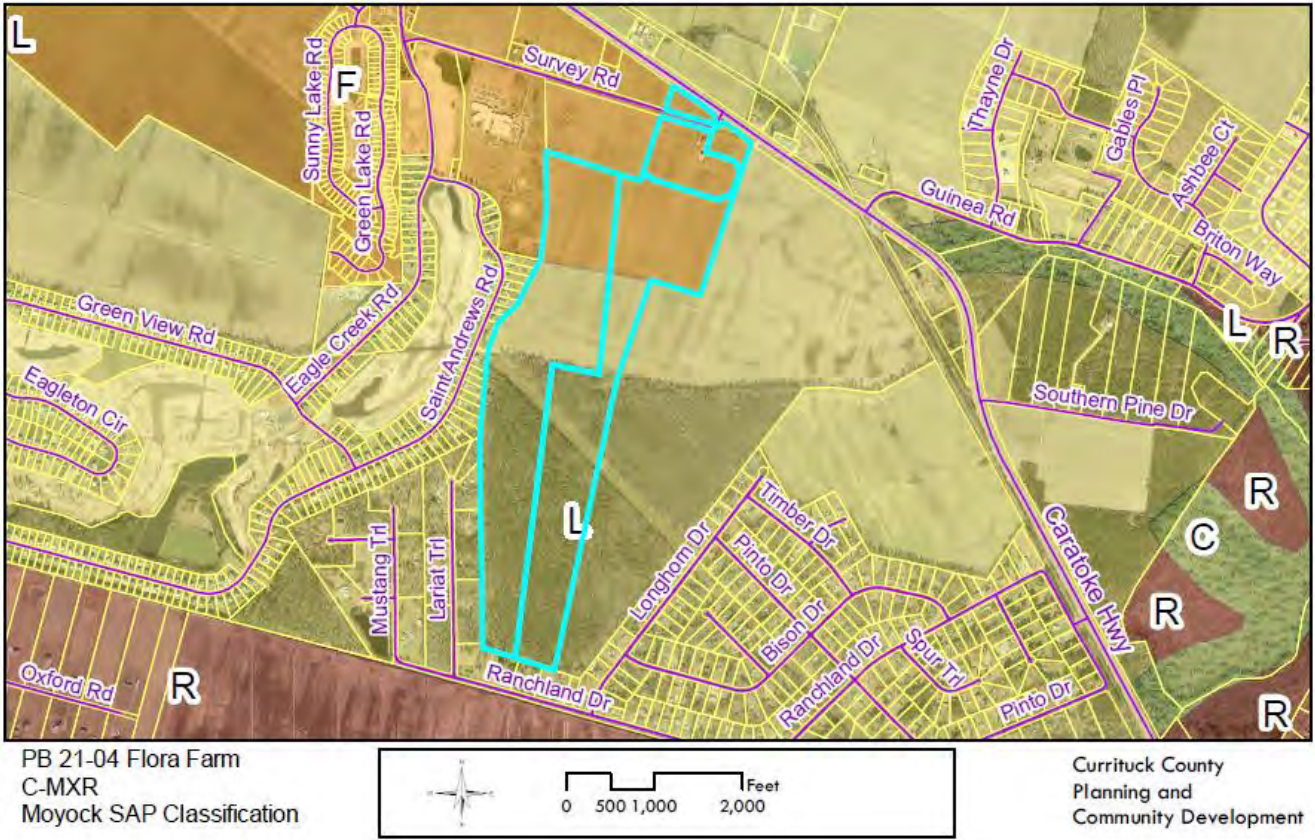
Currituck County
Planning and
Community Development



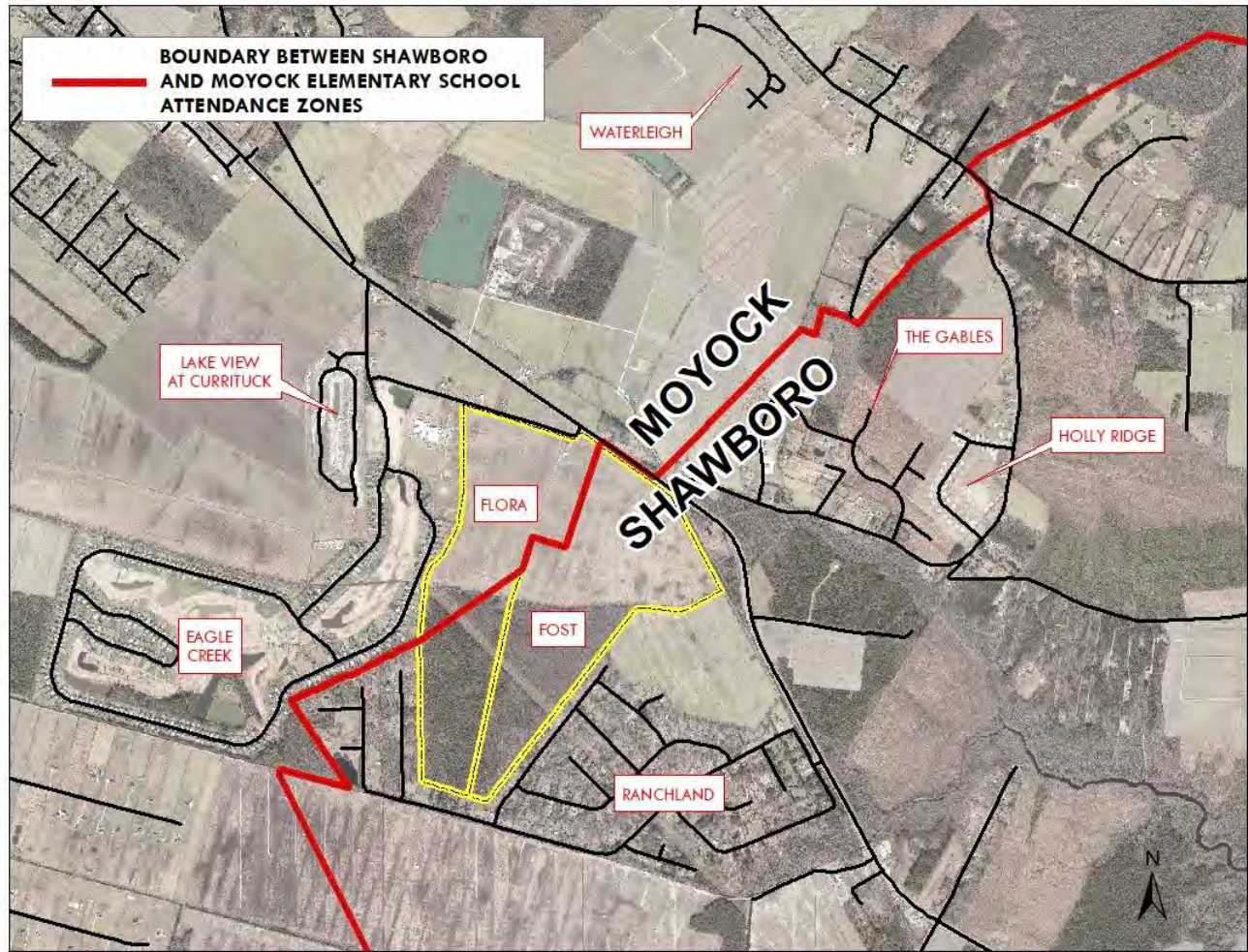
PB 21-04 Flora Farm
C-MXR
Moyock SAP Classification



Currituck County
Planning and
Community Development



Attachment: 1 PB 21-04 Flora C-MXR Staff Report PB 2-9-2021 (PB 21-04 Flora Farm: MXR)





MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

GENERAL DEVELOPMENT NOTES

1. PROPERTY OWNERS: JOHN J. FLORA III MARY NELL FLORA BRUMSEY
P.O. BOX 369 117 PUDDIN RIDGE ROAD
MOYOCK, NC 27958 MOYOCK, NC 27958
2. APPLICANT: NORTH SOUTH DEVELOPMENT GROUP, LLC
417-D CARATOKE HIGHWAY
MOYOCK, NC 27958
3. PROPERTY DATA: ADDRESS: CARATOKE HIGHWAY, MOYOCK, NC 27958

PIN: 0015-000-085C-0000
D.B. 1230, PG. 402
P.C. "Q". SL. 149
14.80-ACRES (PER PLAT)

PIN: 0015-000-0085B-0000
D.B. 1230, PG. 398 & 402
P.C. "D", SL. 315
94.53-ACRES (PER GIS)

PIN: 0015-000-085A-0000
D.B. 1230, PG. 398 & 402
P.C. "D", SL. 315
111.78-ACRES (PER GIS)

SUBDIVISION TOTAL ACREAGE: 202.44 ACRES
(DOES NOT INCLUDE 1.47 ACRE R/W DEDICATION OF A 30' STRIP ALONG SURVEY ROAD)
4. ZONING: EXISTING: AGRICULTURAL (AG)
PROPOSED: C-MXR

Sheet Number	Sheet Title
1	COVER SHEET, DEVELOPMENT NOTES & SITE LOCATION
2	EXISTING CONDITIONS & SITE FEATURES PLAN
3	PRELIMINARY MASTER PLAN - OVERALL
4	PRELIMINARY PLAN - COMMERCIAL
5	PRELIMINARY STORMWATER MANAGEMENT PLAN
6	PRELIMINARY UTILITIES PLAN
7	PRELIMINARY PHASING PLAN

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	1/28/21	TRC COMMENTS	KEW
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
13	13	13	13
14	14	14	14
15	15	15	15
16	16	16	16
17	17	17	17
18	18	18	18
19	19	19	19
20	20	20	20
21	21	21	21
22	22	22	22
23	23	23	23
24	24	24	24
25	25	25	25
26	26	26	26
27	27	27	27
28	28	28	28
29	29	29	29
30	30	30	30
31	31	31	31
32	32	32	32
33	33	33	33
34	34	34	34
35	35	35	35
36	36	36	36
37	37	37	37
38	38	38	38
39	39	39	39
40	40	40	40
41	41	41	41
42	42	42	42
43	43	43	43
44	44	44	44
45	45	45	45
46	46	46	46
47	47	47	47
48	48	48	48
49	49	49	49
50	50	50	50
51	51	51	51
52	52	52	52
53	53	53	53
54	54	54	54
55	55	55	55
56	56	56	56
57	57	57	57
58	58	58	58
59	59	59	59
60	60	60	60
61	61	61	61
62	62	62	62
63	63	63	63
64	64	64	64
65	65	65	65
66	66	66	66
67	67	67	67
68	68	68	68
69	69	69	69
70	70	70	70
71	71	71	71
72	72	72	72
73	73	73	73
74	74	74	74
75	75	75	75
76	76	76	76
77	77	77	77
78	78	78	78
79	79	79	79
80	80	80	80
81	81	81	81
82	82	82	82
83	83	83	83
84	84	84	84
85	85	85	85
86	86	86	86
87	87	87	87
88	88	88	88
89	89	89	89
90	90	90	90
91	91	91	91
92	92	92	92
93	93	93	93
94	94	94	94
95	95	95	95
96	96	96	96
97	97	97	97
98	98	98	98
99	99	99	99
100	100	100	100

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

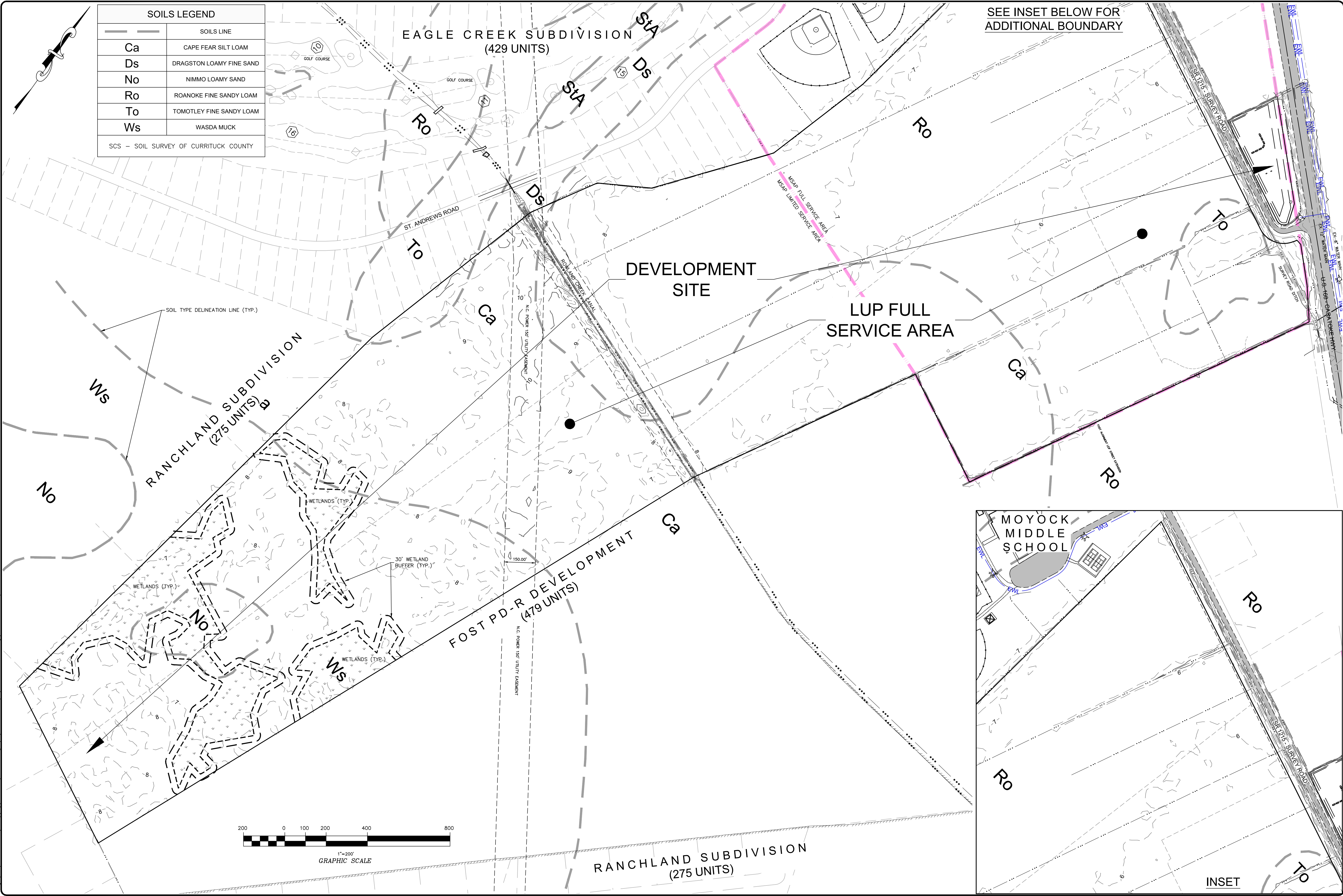
DATE: 12/17/20	SCALE: N/A
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW,WGY	APPROVED: BPG
SHEET: 1 OF 7	
CAD FILE: 468000MP5	
PROJECT NO: 4680	

COVER SHEET, DEVELOPMENT
NOTES & SITE LOCATION

FLORA FARM MXR SUBDIVISION
NORTH CAROLINA
CURRITUCK COUNTY
MOYOCK TOWNSHIP
PRELIMINARY MASTER PLAN

BISSSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

Bissell Professional Group
Firm License # C-956
3512 North Gorton Highway
Suite 100
Kinston, North Carolina 79449
(252) 261-3266
FAX (252) 261-1780



S:\projects\4680-Flora Master Plans\4680000MP5.dwg 1/25/2021 11:54 AM HP Design 2000 P3 HP02.2.p3

Bissell Professional Group
 Firm License # C-965
 1000 North Carolina Highway
 P.O. Box 1008
 Kitty Hawk, North Carolina 27949
 Tel: (252) 281-1760
 Fax: (252) 281-1760

BISSELL
PROFESSIONAL GROUP
 Engineers, Planners, Surveyors
 and Environmental Specialists

EXISTING CONDITIONS & SITE FEATURES PLAN
 PROJECT: FLORA FARM MXR SUBDIVISION
 CURRITUCK COUNTY
 MOYOCK TOWNSHIP
 NORTH CAROLINA

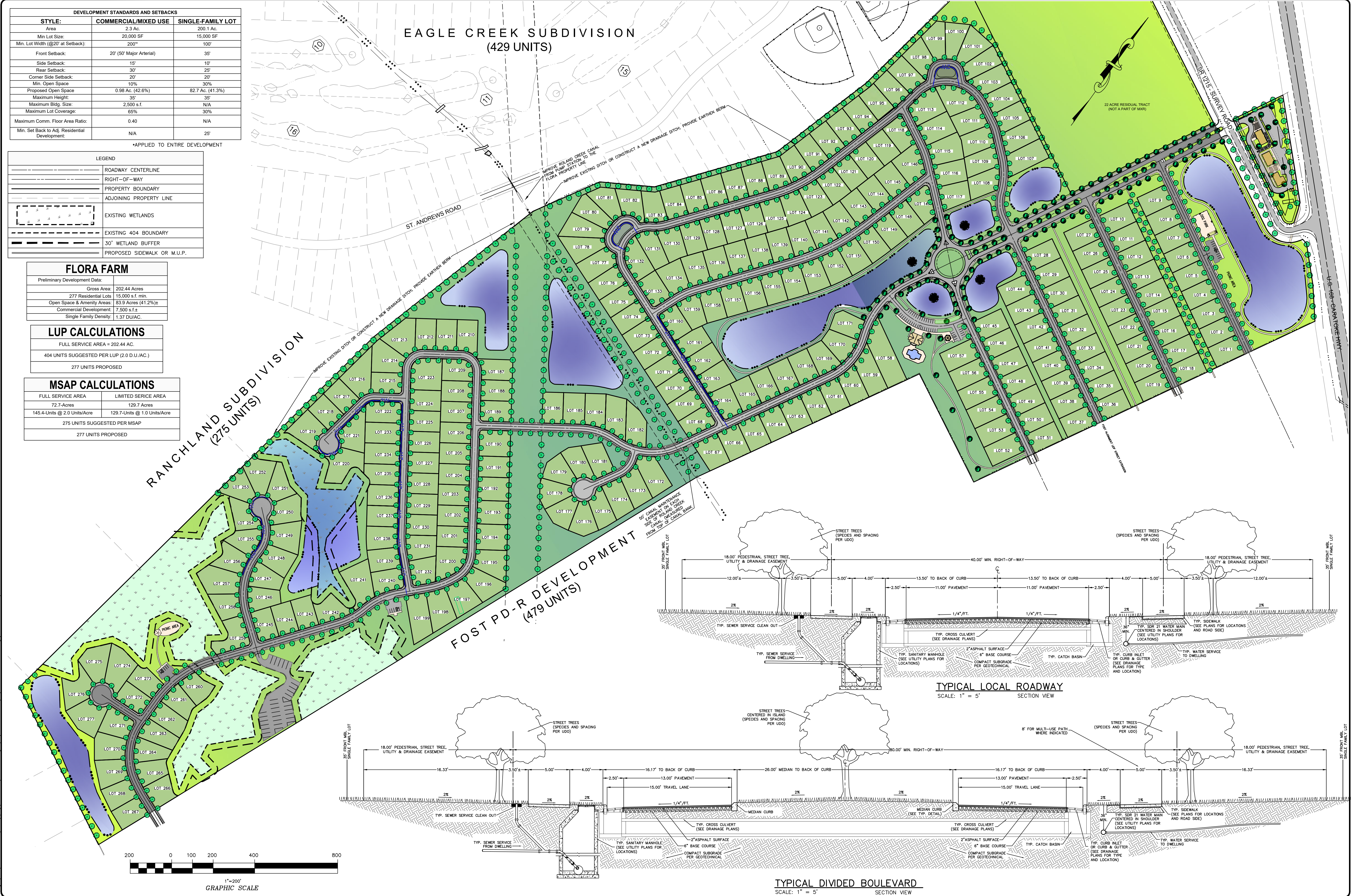
PRELIMINARY MASTER PLAN

NO.	DATE	DESCRIPTION	BY	CHK
1	1/25/21	THE COMMENTS		

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

DATE:	12/17/20	SCALE:	1" = 200'
DRAWN:	BPG	CHECKED:	MSB
APPROVED:	KFW	APPROVED:	BPG

SHEET: 2 OF 7
 CAD FILE: 4680000MP5
 PROJECT NO: 4680



Bissell Professional Group
Firm License # C-956
P.O. Box 1008
Kitty Hawk, North Carolina 27949
FAX (252) 281-1760

BISSELL
PROFESSIONAL GROUP

Engineers, Planners, Surveyors
and Environmental Specialists

PRELIMINARY MASTER PLAN
- OVERALL

PROJECT: **FLORA FARM MXR SUBDIVISION**
MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA

PRELIMINARY MASTER PLAN

NO.	DATE	DESCRIPTION	BY	CHK
1	1/25/21	1/25/21		
2				
3				
4				
5				
6				
7				
8				
9				
10				

DATE: 01/25/21 SCALE: 01/25/21

DRAWN: BPG CHECKED: MSB

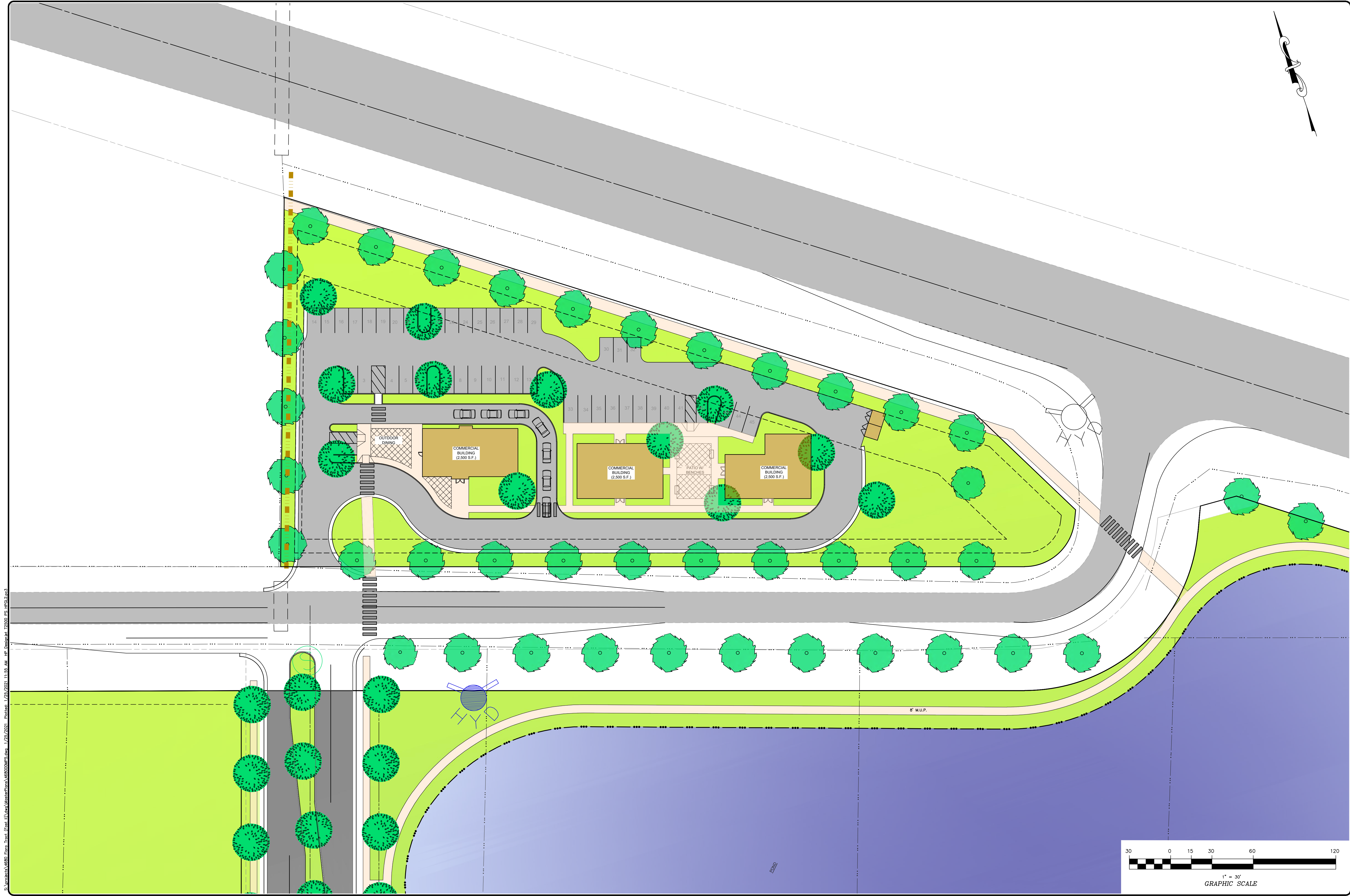
BY: KFW, WGY APPROVED: BPG

SHEET: 3 OF 7

CAD FILE: 468000MP5

PROJECT NO: 4680

Attachment: 2.1-25-21_4680-Flora Master Plans-5 (PB 21-04 Flora Farm: MXP)



S:\projects\4680_Flora Farm Tract (Cont. 3)\Map MasterPlans\4680000MP5.dwg 1/25/2021 11:55 AM HP Design 12008 PS HP52.2.p3

BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists
Bissell Professional Group
Firm License # C-965
1700 South Carolina Highway
P.O. Box 1008
Kitty Hawk, North Carolina 27549
Tel: (252) 281-1760
Fax: (252) 281-1760

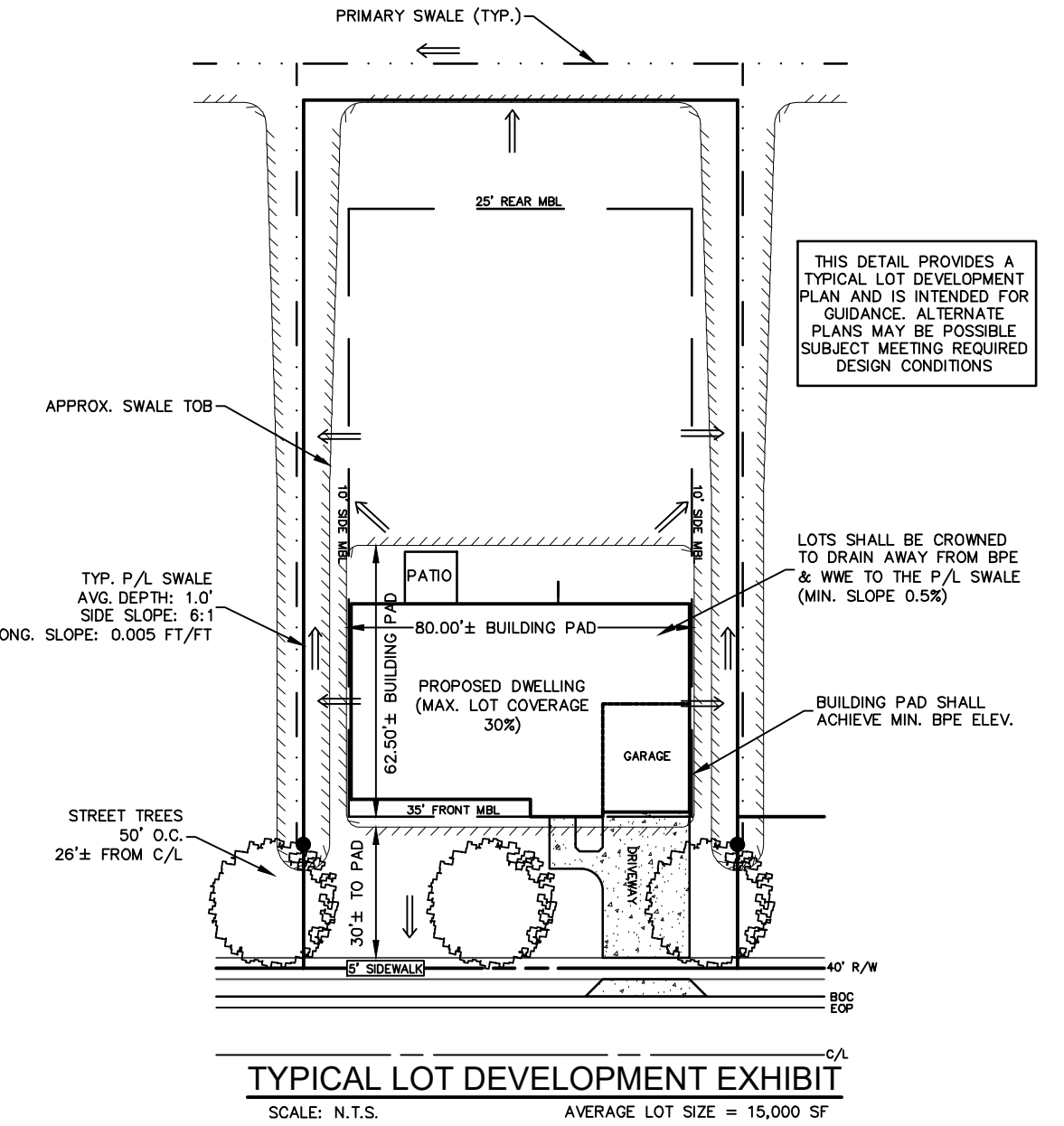
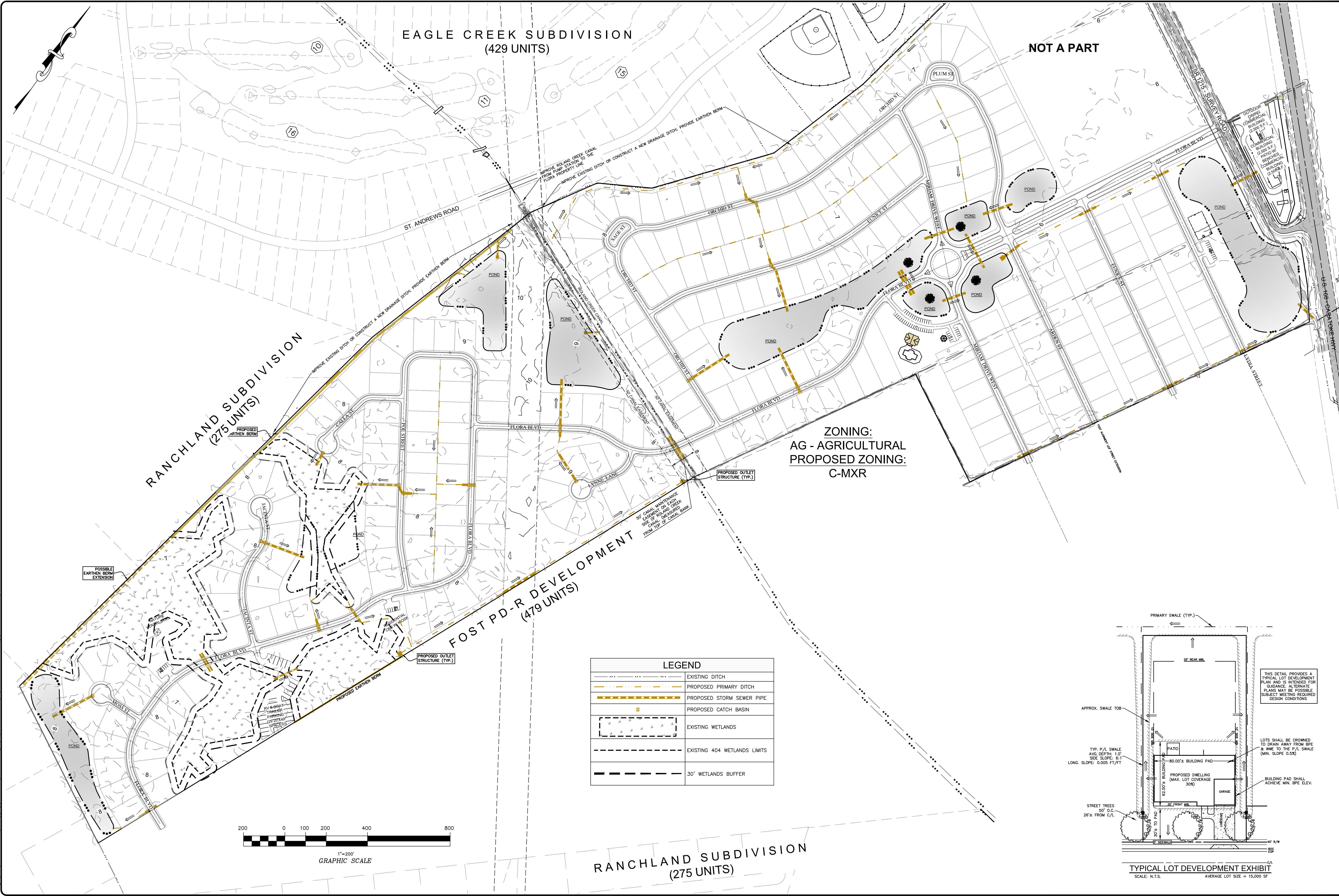
PRELIMINARY PLAN
- COMMERCIAL
THIS DOCUMENT IS THE SOLE PROPERTY OF BPG, INC. NO PART
HEREOF IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM
OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING
PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION
SYSTEMS WITHOUT THE WRITTEN PERMISSION OF BPG, INC.
BISSELL PROFESSIONAL GROUP, INC. 2021

PROJECT: **FLORA FARM MXR SUBDIVISION**
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA
PRELIMINARY MASTER PLAN

REVISIONS		
NO.	DATE	DESCRIPTION
1	1/25/21	BY: KFM THE COMMENTS

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

DATE: 12/17/20
DESIGNED: BPG
DRAWN: KFW, WGY
SHEET: 4 OF 7
SCALE: 1" = 30'
CHECKED: MSB
APPROVED: BPG
CAD FILE: 468000MP5
PROJECT NO: 4680



LEGEND	
	EXISTING DITCH
	PROPOSED PRIMARY DITCH
	PROPOSED STORM SEWER PIPE
	PROPOSED CATCH BASIN
	EXISTING WETLANDS
	EXISTING 404 WETLANDS LIMITS
	30' WETLANDS BUFFER

ZONING:
AG - AGRICULTURAL
PROPOSED ZONING:
C-MXR

BISSELL
Professional Group
Firm License # C-945
1000 North Carolina Highway
P.O. Box 1008
Kitty Hawk, North Carolina 27949
FAX (252) 281-1760

**PRELIMINARY STORMWATER
MANAGEMENT PLAN**

FLORA FARM MxR SUBDIVISION
MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA

PRELIMINARY MASTER PLAN

NO.	DATE	DESCRIPTION	BY	CHK
1	12/21/21	THE COMMENTS		

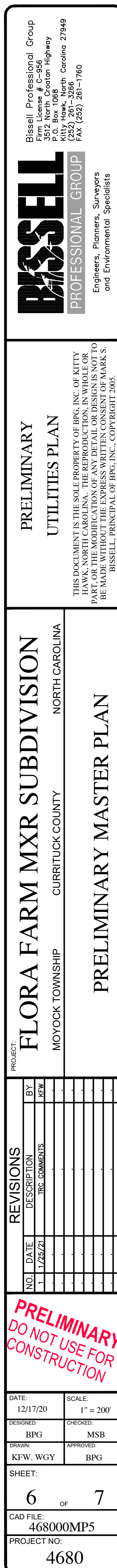
DATE: 12/17/20
DRAWN: BPG
CHECKED: MSB
SHEET: 5 OF 7

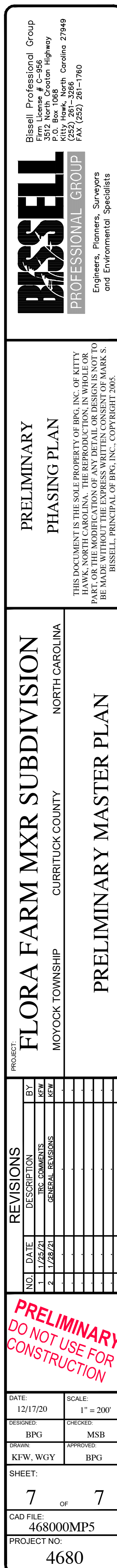
SCALE: 1" = 200'
APPROVED: BPG

CAD FILE: 468000MP5
PROJECT NO: 4680

**PRELIMINARY
DO NOT USE FOR
CONSTRUCTION**

S:\projects\4680 Flora Farm Tract (East 3)\MapMasterPlans\468000MP5.dwg 1/29/2021 11:55 AM HP DesignPlot 12000 P3 HP52.2x33







Currituck County

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

MEMORANDUM

To: Mark Bissell, Bissell Professional Group
 Justin Old, North-South Development Group

From: Tammy D. Glave, CZO, Senior Planner

Date: January 14, 2021

Re: PB 20-04 Flora Farm Conditional Rezoning, C-MXR

The following comments have been received for Flora Farm conditional rezoning request. To be placed on the March 10, 2020 Planning Board agenda, all outstanding TRC comments must be addressed and amended plans and documents received before 3:00 p.m. on February 24, 2020. TRC comments are valid for six months.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comment/Resubmit:

1. There is not adequate school capacity for this development (Moyock Elementary exceeds Actual Capacity for this school year and Committee Capacity; High Schools exceed Committed Capacity. Without adequate school capacity or school capacity programmed to be in place within two years from approval, this project is recommended for denial. Phasing a project to allow a limited number of lots (school children) per year does not meet the adequate public facilities ordinance of the UDO since school capacity is not programmed to be in place within two years from approval. There is discussion of adding on to schools; however, that plan is not yet in place.

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹				
School	2019-2020 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	106%	96%	123%	+69
Shawboro Elementary	85%			
Central Elementary	75%			
Griggs Elementary		74%	100%	0
Jarvisburg Elementary				
Knotts Island Elementary		37%	38%	0
Moyock Middle		81%	95%	+22
Currituck Middle				
Currituck High		85%	105%	+38
JP Knapp Early College				

Attachment: 4 PB 21-04 Flora CMXR TRC Comments 1-14-2021 (PB 21-04 Flora Farm: MXR)

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

²Capacity percentages are based on 2019-2020 classroom standards and August 2019 ADM

³Capacity percentages are based on the 2021-2022 classroom standards and August 2019 ADM

2. Please provide the number of lots that are proposed in the Moyock Small Area Plan Limited Service district and Full Service district. It appears that 129 lots are allowed in the Limited Service district and approximately 175 are proposed. The density limits for each district must be met separately.
3. Traffic impact analysis:
 - a. The December 16, 2020 memo must be approved by NCDOT.
 - b. County staff defers to NCDOT recommendations for the type, timing, and placement of any traffic improvements. Staff still has concerns regarding the recommendation in the TIA that improvements are not made until after full build-out of the development.
 - c. Even with the reduction in the number of dwelling units and commercial area, staff has concerns that the TIA does not include the school site and may not accurately reflect the proposed conditions.
 - d. The memorandum notes "Therefore, the new site plan does not warrant an update to the Flora Farms Subdivision TIA. The trips projected in the TIA will account for all traffic that is now proposed for the site." Staff recommends that the Level of Service (LOS) rating at each intersection be updated with the new trip generation data. Or, since the new site plan does not warrant an update, does that mean the LOS at the intersections remains the same?
4. How are Nonresidential Design Standards, Building Placement (UDO Section 5.8.3.B) being met?
5. If any of the proposed earthen berms cross into wetlands, the US Army Corp of Engineers must approve the activity before any ground disturbing activity occurs.
6. Please label Survey Road Ditch, a major drainage feature.
7. The Development Standards and Setbacks table list the front setback for single-family lots as 35'. The typical lot details show 20' as the minimum front setback for single-family lots. Which is correct? Please rectify.
8. Please make sure all sidewalks are clearly identified. For example, the legend shows the sidewalk as a shade of gray; however, what appears to be a sidewalk from the dog park, going around the front pond is not a shade of gray.
9. Please list the amount of open space provided for the residential area and the non-residential area.
10. It is recommended that nothing, including landscaping/buffers, be allowed within the drainage and utility easements to allow for heavy equipment access when maintenance of the major drainageways is required.
11. Section 5.6.10 requires a sidewalk to be constructed where it will connect to existing or planned sidewalks. The Currituck Transportation Plan (CTP) indicates a future multi-use path running along Caratoke Highway this parcel. A multi-use path is typically 10 feet wide. However, since our ordinance only requires 8 feet for pedestrian paths, an 8 foot wide path will suffice. Please indicate the pedestrian easement and sidewalk on the plan.

12. There appears to be significant clearing in the wooded area. Has the site been evaluated in the wood area for heritage trees?
13. Are you proposing to fill any wetlands?

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

1. Call out the easement for future connection for the street stub/sidewalks if not installing to the property line. (UDO Section 5.6.5.B and 5.6.10)
2. Call out 5' non access easements on corner lots on the street with the most traffic. (UDO Section 10.3.3)
3. Call out how pedestrian crossings will be delineated. (UDO Section 5.6.10)
4. Call out sight triangles. (UDO 10.3.4)
5. Show things such as, recreation and park area dedication and detailed landscaping plan, etc.
6. Major arterial screening is required (UDO Section 5.2.8)
7. Nonresidential must be neighborhood serving businesses. Please review the non-residential design standards. Since visible from Caratoke Highway, additional design standards apply.
8. Payment-in-lieu of parkland dedication will be required.

Currituck County Chief Building Inspector (Bill Newns, 252-232-6023)

Reviewed with comment:

1. The appears to be a fire hydrant missing around the area of Moss Street.
2. No street parking signage required throughout the neighborhood.

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

Reviewed with comment:

1. Would prefer to see at least one 2.5K SF parcel out of the overall 7.5K SF commercial parcel slated to be developed in conjunction with Phase 1 at the proposed Flora Blvd and Survey Road intersection

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

Reviewed without comment.

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

Reviewed with comment:

1. It needs noting that the development is close to the MMS Baseball/Softball complex and that the residents could experience some lighting spill over while the fields and lighting systems are in use for school and county activities.

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

Reviewed with comment:

1. In the limited service area on the southern portion of the project, do the delineated wetland areas serve as collection ponds? Numerous swales and pipes are directed toward this area and there is not a big difference of elevation according to county LiDAR maps.
2. Is it possible to add pipe connection between ponds on both sides of Miriam Drive West to assist in drawdown rates?

3. All previous comments from TRC sessions apply up to Construction Drawing phase.

Currituck County Utilities Director (Will Rumsey, 252-232-2769)

Reviewed without comment.

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

Reviewed with comment:

1. Wastewater system will need to be reviewed and approved by the NC Department of Environmental Quality (Washington Regional Office).

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

Reviewed without comment.

US Post Office (Local)

Please contact the post office regarding method of mail delivery.

Mediacom (252-482-5583)

See attached letter.

Comments Not Received From:

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

NC Department of Transportation, District Engineer (David Otts, 252-331-4860)

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.

**Kim Mason, NC Area Director**
kmason@mediacomcc.com

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

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

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

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

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

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

Bertie County

Colerain

Kelford

Lewiston

Powellsville

Roxobel

Windsor

Camden County

Camden

Shiloh

South Mills

Martin County

Jamesville

Northampton County

Conway

Galatia

Jackson

Rich Square

Seaboard

Severn

Woodland

Chowan County

Arrowhead / Chowan Beach

Edenton

Currituck County

Barco

Currituck

Grandy

Moyock

Point Harbor

Poplar Branch

Tulls Bay

Perquimans County

Hertford

Winfall

Tyrrell County

Columbia

Washington County

Creswell

Plymouth

Roper

About Mediacom Communications

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

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

Best regards,

Kim Mason

Operations Director, North Carolina



Memorandum

To: Mark S. Bissell, PE
Bissell Professional Group

Date: December 16, 2020

Project #: 39134.00

From: Andrew Topp, PE, PTOE
Senior Project Manager

Re: Flora Farms Trip Generation Update – Moyock, North Carolina

Project Background

VHB Engineering NC, P.C (VHB) completed the Flora Farms Subdivision TIA (dated April 14th, 2020) to analyze the impacts that the proposed Flora Farms development would have on the surrounding roadway network in Moyock, North Carolina. The site plan is being amended to reduce multiple land uses that were proposed in the traffic analysis. This memorandum states the new land use totals that will be proposed with the Flora Farms site and summarizes the differences between the existing trip generation for the site (from April 2020) and the new trip generation reduction that will be expected with the updated land use totals.

Trip Generation Methodology and Results

Trip generation calculations for the Flora Farms site were prepared using the *ITE Trip Generation Manual, 10th Edition* and guidance from the *NCDOT Congestion Management Rate vs. Equation Spreadsheet*. Based on the available guidance, it was determined that LUC 210 (Single-Family Detached Housing), LUC 220 (Multifamily Housing (Low-Rise)), and LUC 820 (General Retail) would be the most appropriate uses to include for the trip generation calculations.

April 2020 Trip Generation Results

Originally, the Flora Farms site proposed to construct 285 single-family homes, 125 multifamily units (apartments or townhomes), and 100,000 square feet (sf) of general retail space. Table 1 shows the trip generation results for the site plan that was submitted in April 2020. As shown in Table 1, the site was expected to generate 8,380 daily external site trips with 463 external site trips (189 entering, 274 exiting) occurring during the AM peak hour and 717 external site trips (393 entering, 324 exiting) occurring during the PM peak hour. Of the expected 717 PM peak hour external site trips, a total of 155 trips were calculated to be pass-by site trips.

Attachment: 5 Flora Farms Trip Gen Update - 12-16-2020 (PB 21-04 Flora Farm: MXR)



Memorandum

From: Andrew Topp, PE, PTOE
 Ref: Flora Farms Trip Generation Update
 December 16, 2020
 Page 2

Table 1: April 2020 Trip Generation Results

Land Use Code ¹	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips ²									
210	Single-Family Detached Housing	285 du	2,725	52	155	207	175	103	278
220	Multifamily Housing (Low-Rise)	125 du	904	14	45	59	45	27	72
820	General Retail	100,000 sf	6,012	125	77	202	261	282	543
Development Total			9,641	191	277	468	481	412	893
Trip Reduction Due to Internal Capture ³									
210	Single-Family Detached Housing	285 du	406	1	2	2	54	16	70
220	Multifamily Housing (Low-Rise)	125 du	129	0	0	1	14	4	18
820	General Retail	100,000 sf	726	1	1	2	20	68	88
Development Total			1,262	2	3	5	88	88	176
Total External Site Trips									
210	Single-Family Detached Housing	285 du	2,319	51	153	204	121	87	208
220	Multifamily Housing (Low-Rise)	125 du	775	14	45	59	31	23	54
820	General Retail	100,000 sf	5,286	124	76	200	241	214	455
Development Total			8,380	189	274	463	393	324	717
Pass-by Site Trips ⁴									
210	Single-Family Detached Housing	285 du		0	0	0	0	0	0
220	Multifamily Housing (Low-Rise)	125 du		0	0	0	0	0	0
820	General Retail	100,000 sf		0	0	0	77	78	155
Development Total				0	0	0	77	78	155
No-Pass-by Site Trips									
210	Single-Family Detached Housing	285 du		51	153	204	121	87	208
220	Multifamily Housing (Low-Rise)	125 du		14	45	59	31	23	54
820	General Retail	100,000 sf		124	76	200	164	136	300
Development Total				189	274	463	316	246	562

Notes:

1. Land Use Code and trip generation rates are determined based on ITE Trip Generation, 10th Edition
2. Total site trips are determined based on the suggested method in the NCDOT Rate Vs Equation Spreadsheet
3. Internal capture was based on NCHRP 684 method and NCDOT IC calculation spreadsheet
4. Unconstrained pass-by trips are calculated based on ITE Trip Generation Handbook, 3rd Edition. The final projections are not expected to exceed 10% of adjacent street volumes.

November 2020 Trip Generation Update

The Flora Farms site plan will be amended to reduce the size of the total development. The site now proposes to construct 277 single-family homes and up to 7,500-sf of general retail space. Table 2 shows the trip generation results for the new land use totals. As shown in Table 2, the site is now expected to generate 3,652 daily external site trips with 352 external site trips (144 entering, 208 exiting) occurring during the AM peak hour and 348 external site trips (207 entering, 141 exiting) occurring during the PM peak hour.

Attachment: 5 Flora Farms Trip Gen Update - 12-16-2020 (PB 21-04 Flora Farm: MXR)



From: Andrew Topp, PE, PTOE
 Ref: Flora Farms Trip Generation Update
 December 16, 2020
 Page 3

Table 2: November 2020 Trip Generation Results

Land Use Code ¹	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips ²									
210	Single-Family Detached Housing	277 du	2,655	50	151	201	170	100	270
820	General Retail	7,500 sf	1,033	96	60	156	38	42	80
Development Total			3,688	146	211	357	208	142	350
Trip Reduction Due to Internal Capture ³									
210	Single-Family Detached Housing	277 du	23	1	2	3	1	0	1
820	General Retail	7,500 sf	13	1	1	2	0	1	1
Development Total			36	2	3	5	1	1	2
Total External Site Trips									
210	Single-Family Detached Housing	277 du	2,632	49	149	198	169	100	269
820	General Retail	7,500 sf	1,020	95	59	154	38	41	79
Development Total			3,652	144	208	352	207	141	348
Pass-by Site Trips ⁴									
210	Single-Family Detached Housing	277 du		0	0	0	0	0	0
820	General Retail	7,500 sf		0	0	0	13	14	27
Development Total				0	0	0	13	14	27
Non-Pass-by Site Trips									
210	Single-Family Detached Housing	277 du		49	149	198	169	100	269
820	General Retail	7,500 sf		95	59	154	25	27	52
Development Total				144	208	352	194	127	321

Notes:

1. Land Use Code and trip generation rates are determined based on *ITE Trip Generation, 10th Edition*
2. Total site trips are determined based on the suggested method in the NCDOT Rate Vs Equation Spreadsheet
3. Internal capture was based on NCHRP 684 method and NCDOT IC calculation spreadsheet
4. Unconstrained pass-by trips are calculated based on *ITE Trip Generation Handbook, 3rd Edition*. The final projections are not expected to exceed 10% of adjacent street volumes.

Findings and Conclusions

As a result, the updated Flora Farms site is expected to generate fewer total trips than what was analyzed in April 2020. Table 3 shows the percent reduction in site trips for the calculated daily, AM peak hour, and PM peak hour external site trips. The lane use totals are expected to reduce the AM peak hour trips by approximately 24% and the PM peak hour site trips by approximately 51%.

Attachment: 5 Flora Farms Trip Gen Update - 12-16-2020 (PB 21-04 Flora Farm: MXR)



Memorandum

From: Andrew Topp, PE, PTOE
 Ref: Flora Farms Trip Generation Update
 December 16, 2020
 Page 4

Table 3: Trip Generation Differences

Trip Type	ADT	AM Peak Hour			PM Peak Hour		
		Enter	Exit	Total	Enter	Exit	Total
Total External Site Trips							
April 2020 TIA	8,380	189	274	463	393	324	717
November 2020 Update	3,652	144	208	352	207	141	348
% Difference	-56.4%	-23.8%	-24.1%	-24.0%	-47.3%	-56.5%	-51.5%
Pass-By Trips							
April 2020 TIA	-	0	0	0	77	78	155
November 2020 Update	-	0	0	0	13	14	27
% Difference	-	-	-	-	-83.1%	-82.2%	-82.6%
Non-Pass-By Trips							
April 2020 TIA	-	189	274	463	316	246	562
November 2020 Update	-	144	208	352	194	127	321
% Difference	-	-23.8%	-24.1%	-24.0%	-38.6%	-48.4%	-42.9%

Therefore, the new site plan does not warrant an update to the Flora Farms Subdivision TIA. The trips projected in the TIA will account for all traffic that is now proposed for the site. The trip generation pages for each land use code from the *ITE Trip Generation Manual, 10th Edition* are attached at the end of this memorandum.



Attachment: 5 Flora Farms Trip Gen Update - 12-16-2020 (PB 21-04 Flora Farm: MXR)

Appendix

Single-Family Detached Housing (210)

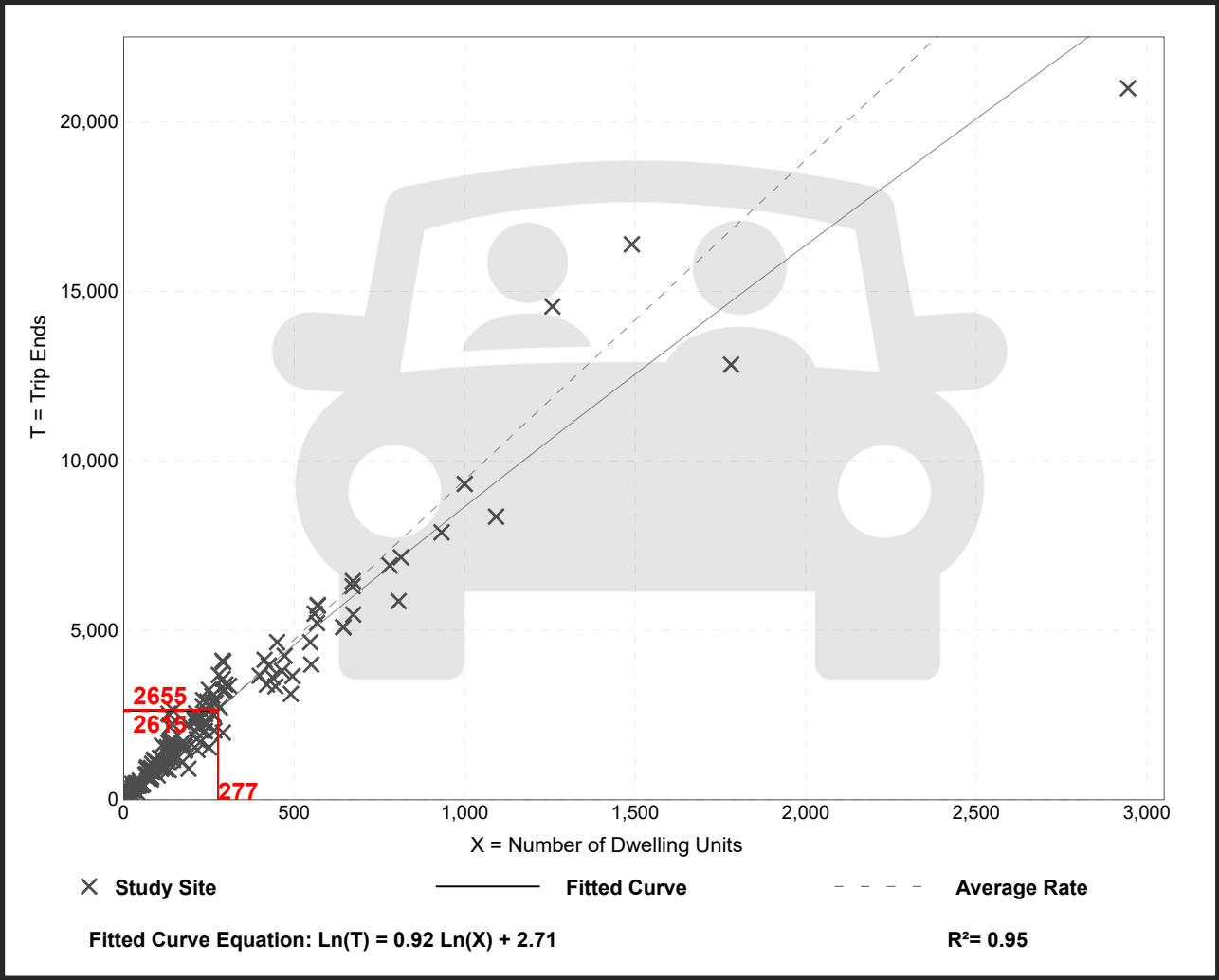
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 159
Avg. Num. of Dwelling Units: 264
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.44	4.81 - 19.39	2.10

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

Attachment: 5 Flora Farms Trip Gen Update - 12-16-2020 (PB 21-04 Flora Farm: MXR)

Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

**On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.**

Setting/Location: General Urban/Suburban

Number of Studies: 173

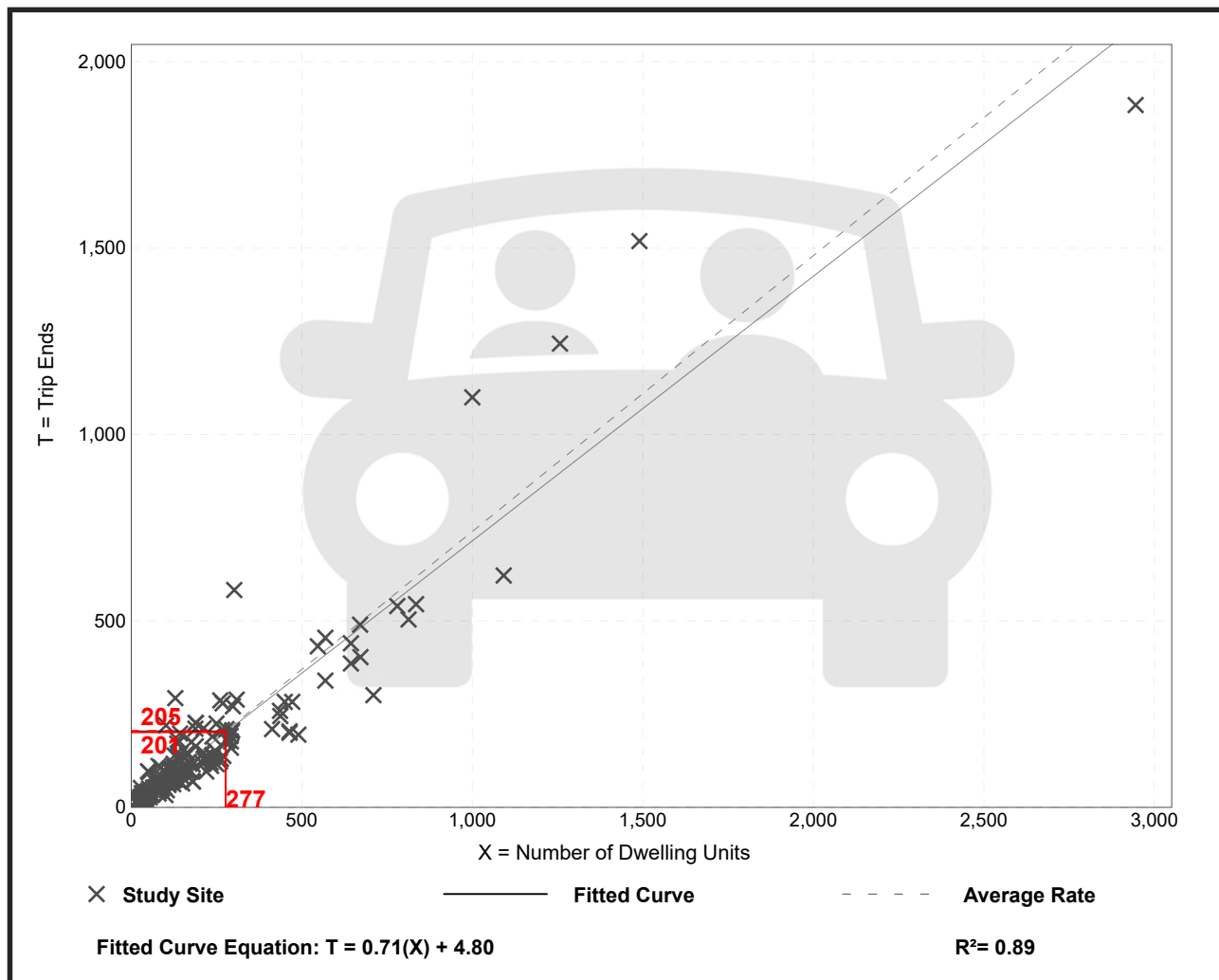
Avg. Num. of Dwelling Units: 219

Directional Distribution: 25% entering, 75% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.74	0.33 - 2.27	0.27

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 190

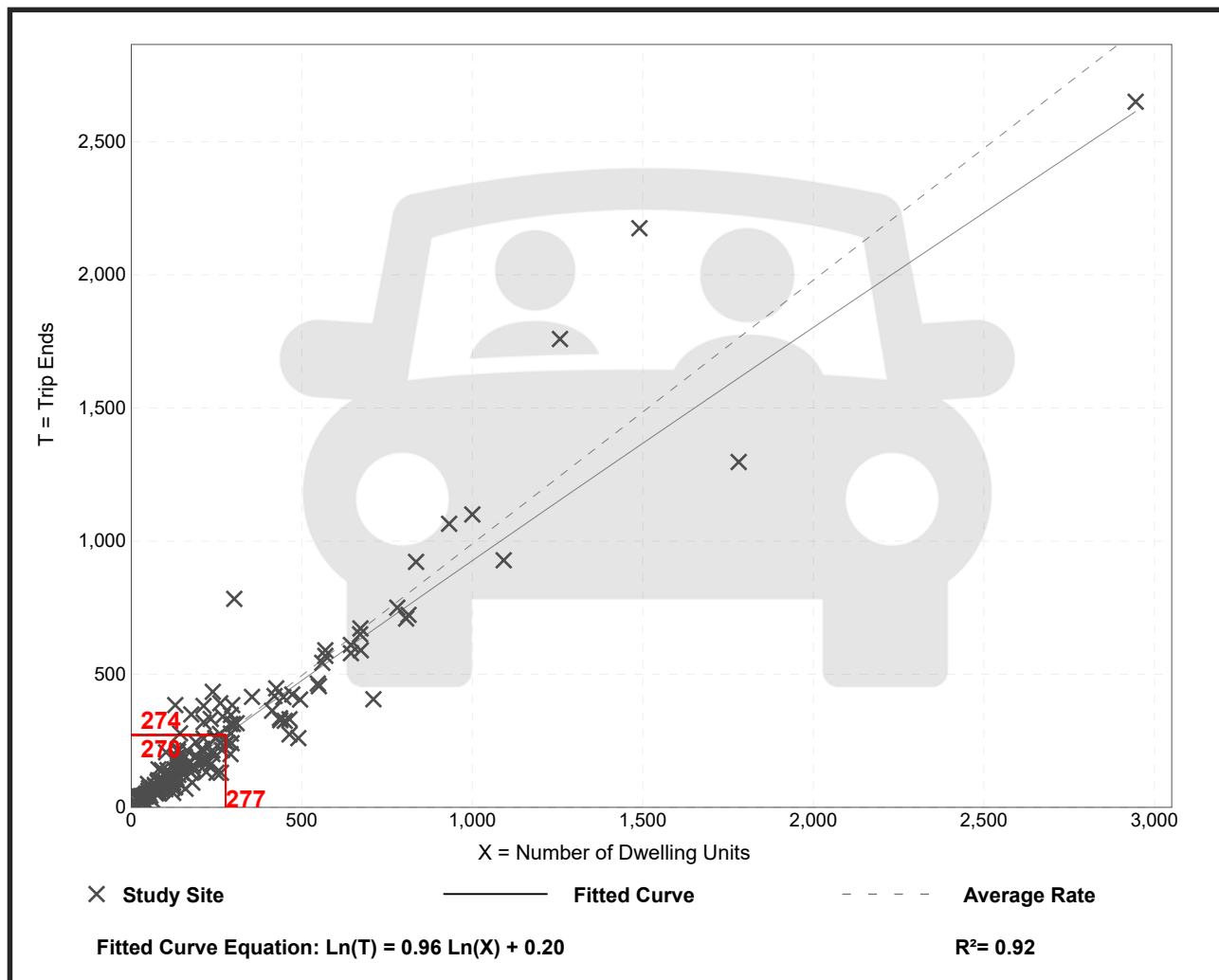
Avg. Num. of Dwelling Units: 242

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.99	0.44 - 2.98	0.31

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

Shopping Center (820)

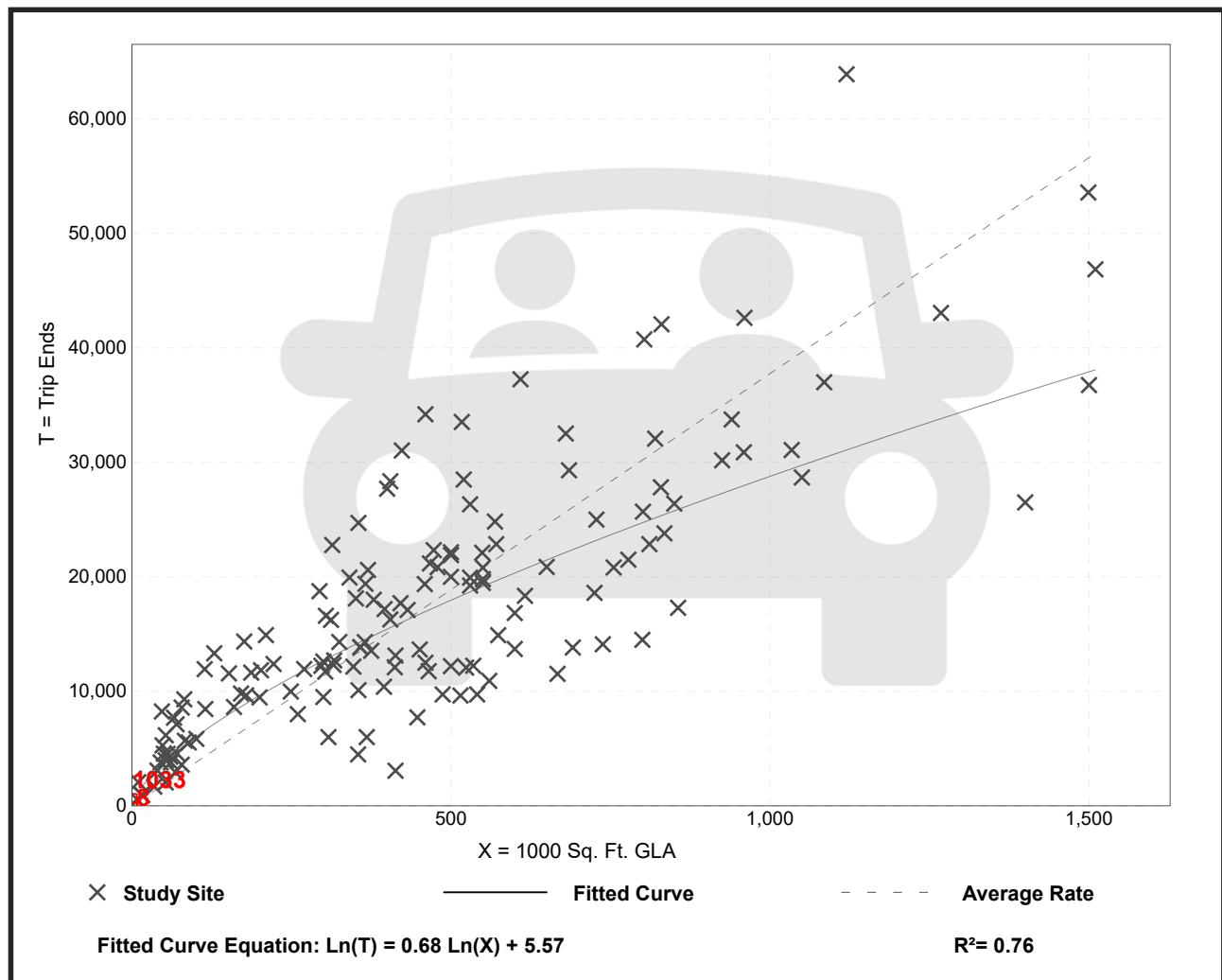
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 147
Avg. 1000 Sq. Ft. GLA: 453
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.75	7.42 - 207.98	16.41

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

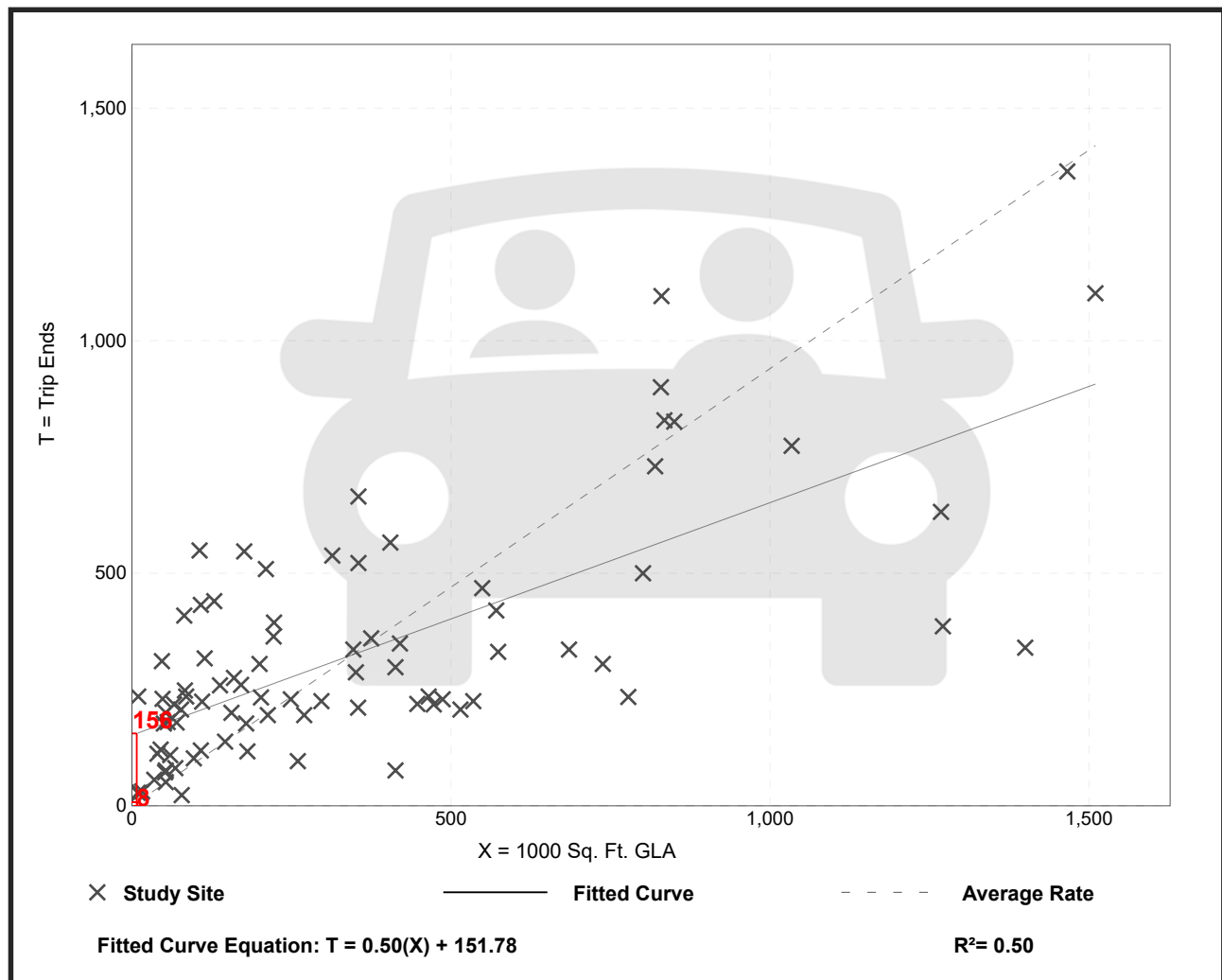
Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 84
 Avg. 1000 Sq. Ft. GLA: 351
 Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.94	0.18 - 23.74	0.87

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

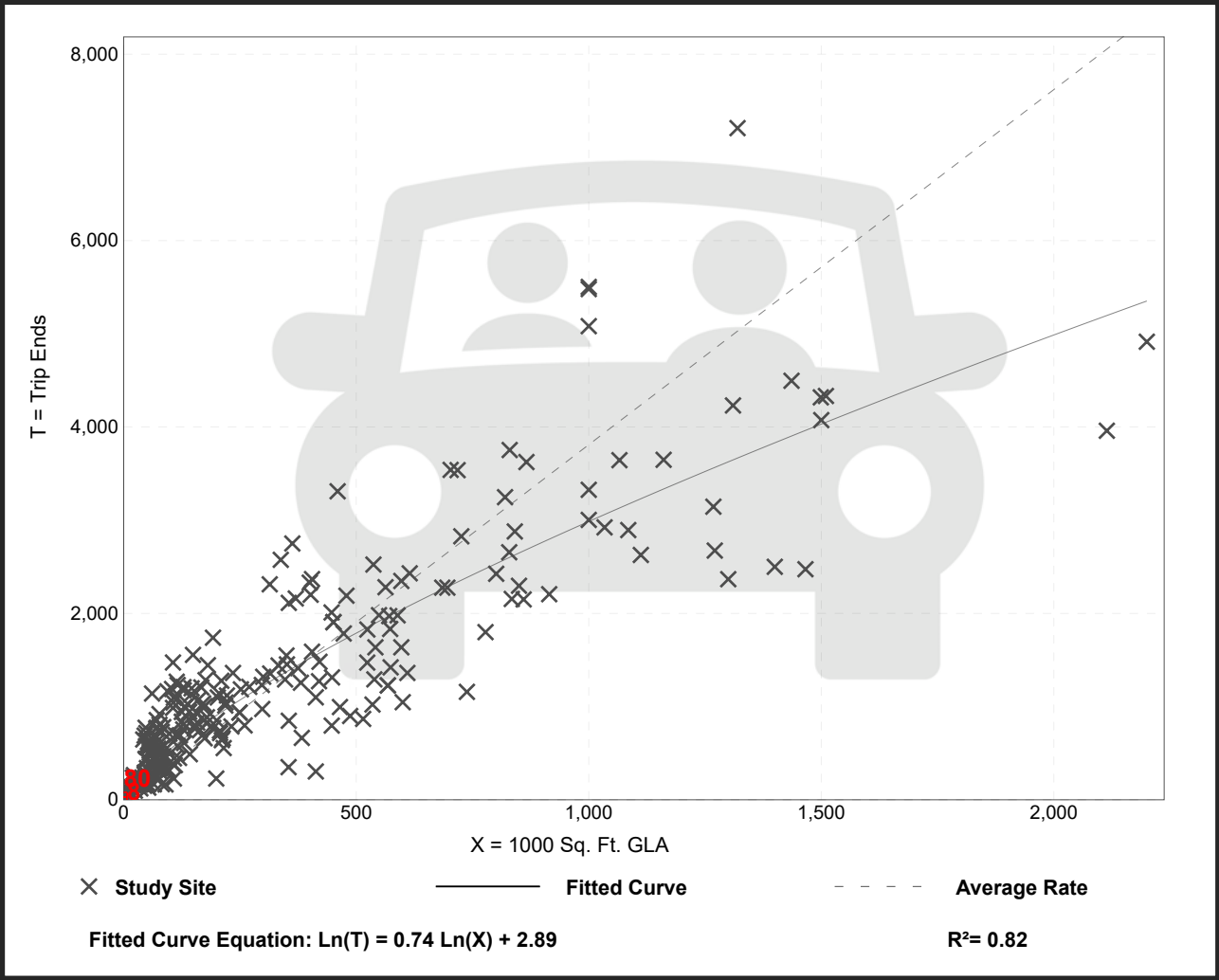
Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 261
Avg. 1000 Sq. Ft. GLA: 327
Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.81	0.74 - 18.69	2.04

Data Plot and Equation



Trip Gen Manual, 10th Edition • Institute of Transportation Engineers

Attachment: 5 Flora Farms Trip Gen Update - 12-16-2020 (PB 21-04 Flora Farm: MXR)















Flora MXR Rezoning Request

December 16, 2020

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

The meeting began at 6:00pm/Meeting Ended: at approximately 7:40pm

Attendees: (See attached sign-in sheets)

Also: Laurie LoCicero, Currituck County
Justin Old, Developer
Mark Bissell, Engineer

Comments from the Community	How Addressed
Will the Ranchland property line ditch still be improved?	Yes, the ditch will be improved, laid back and put on positive grade to the outlet at Rowland Creek
Will the Ranchland property be affected?	The plan will be to do this the way it has been approved at Moyock Farms, with no excavation taking place beyond the top of the existing ditch on the Ranchland side, and widening taking place on the Flora side of the ditch.
The back of the Flora tract is being cleared, but it looks like sections of trees are to remain.	Yes, the company that is harvesting the timber has been asked to keep several stands of trees within the environmentally sensitive areas.
Will the proposed berm go all the way back?	The berm, which will be located on the Flora side of the improved ditch, will go back at least to the wetlands in the back.
It would be good if it could extend back farther.	We will look into permitting to extend it across the wetlands as well.
Will the ditch be constructed first (what will the timing be)?	It is proposed that drainage improvements such as completing the Rowland Creek improvements and the Ranchland/Eagle Creek property line ditch improvements be constructed with the first phase of development.
What about a school?	Decisions about a school site have been delayed since the existing schools are being expanded. A 22 acre parcel is being reserved for possible future use as a school site.

Attachment: 7 Community Meeting Minutes (PB 21-04 Flora Farm: MXR)

What will the price of houses be?	It will be about 2 years before any houses are constructed so it is uncertain what the pricing will be at this time.
What improvements will take place in Phase 1?	Phase 1 will involve drainage improvements up near Survey Road, as well as drainage improvements in the back along the common line with Ranchland and Eagle Creek. Drainage ponds will be constructed phase by phase.
What is the status of Moyock Farms?	It is in the final stages of permitting and should get under construction in the spring.
How close will the hydrants be to Ranchland? Can we get any insurance benefit?	There will a couple of hydrants about 500' from the Ranchland boundary so they may be within 1000' of some of the homes.
The development is going to happen so lets work together to help solve the drainage problems. We think the ditches will be a big benefit.	We agree and will commit to making this happen.
Who will be responsible for maintaining Rowland Creek?	The HOA will have responsibility and will be funded. There will also be a stormwater association that will work with the Fost association to maintain the major drainage way.
Lariat road is a problem on the side which drains to Guinea Mill. Will any improvements be done to Guinea Mill?	The Guinea Mill drainage district needs to become active and make decisions on spending its existing fund balance. Laurie LoCicero will pass information on to Eric Weatherly.
Why was the development plan changed?	The county commissioners thought that the previous plan was too intense for the property.
We are glad to see that the Flora development has been scaled back from what was proposed before and like this better.	Thank you.

Summary:

Six residents attended, all from Ranchland. Their questions were addressed and they seemed satisfied. There being no further questions or comments the meeting was adjourned. Several residents stayed for informal discussions.



Conditional Rezoning Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

Name: North-South Development Group, LLC

Address: 417 Caratoke Hwy., Unit D
 Moyock, NC 27958

Telephone: 252-435-2718

E-Mail Address: jold@qhoc.com

PROPERTY OWNER:

Name: John J. Flora, III/Mary Nell Flora Brunsey

Address: P.O. Box 369/117 Pudding Ridge Rd.
 Moyock, NC 27958

Telephone: 252-232-3005

E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Property Information

Physical Street Address: US Hwy. 168 and Survey Road

Location: Moyock, NC 27958

Parcel Identification Number(s): 0015-000-085A-0000, 0015-000-85B-0000 and 0015-000-085C-0000

Total Parcel(s) Acreage: 202.44AC

Existing Land Use of Property: AG

Request

Current Zoning of Property: AG

Proposed Zoning District: C-MXR

Community Meeting

Date Meeting Held: December 16, 2020

Meeting Location: Eagle Creek

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): MXR Development with 277 single-family detached lots and limited neighborhood

commercial development

Proposed Zoning Condition(s):

Please refer to Attachment "A"

An application has been duly filed requesting that the property involved with this application be rezoned from:
AG to: C-MXR

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.

Marydell Flora Bimney
 Property Owner (s)

12/17/2020
 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 Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

Name: North-South Development Group, LLC

Address: 417 Caratoke Hwy., Unit D
 Moyock, NC 27958

Telephone: 252-435-2718

E-Mail Address: jold@qhoc.com

PROPERTY OWNER:

Name: John J. Flora, III/Mary Nell Flora Brunsey

Address: P.O. Box 369/117 Pudding Ridge Rd.
 Moyock, NC 27958

Telephone: 252-232-3005

E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Property Information

Physical Street Address: US Hwy. 168 and Survey Road

Location: Moyock, NC 27958

Parcel Identification Number(s): 0015-000-085A-0000, 0015-000-85B-0000 and 0015-000-085C-0000

Total Parcel(s) Acreage: 202.44AC

Existing Land Use of Property: AG

Request

Current Zoning of Property: AG

Proposed Zoning District: C-MXR

Community Meeting

Date Meeting Held: December 16, 2020

Meeting Location: Eagle Creek

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): MXR Development with 277 single-family detached lots and limited neighborhood

commercial development

Proposed Zoning Condition(s):

Please refer to Attachment "A"

An application has been duly filed requesting that the property involved with this application be rezoned from: AG to: C-MXR

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)

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.

Attachment "A"**Proposed Zoning Conditions – Flora Farm**Condition 1 regarding drainage improvements:

Drainage improvements will be provided as follows:

- a. Extend the Rowland Creek drainage improvements to the Eagle Creek pump station, with agreement from Eagle Creek.
- b. Make improvements to the drainage ditch that runs along the common boundary between the Fost/Brumsey property and Eagle Creek/Ranchland based on results of the stormwater modeling of existing conditions.
- c. Perform stormwater modeling of the proposed Flora Farm development to manage the 100 year storm event and provide stormwater storage, including berms as necessary.

Condition 2 regarding phasing:

- a. Development will be recorded in 5 phases. Developer will not record the first phase before June 1, 2022.
- b. The first phase will not contain more than 55 lots.
- c. Subsequent phases will not be recorded sooner than 6 months following the prior phase, and in any event no sooner than January 1, 2023.
- d. Developer will retain the right to provide an annual update of phasing, including making adjustments to phase lines and the sequence of recording, as long as the timing of total lots recorded in the above conditions is followed.



Currituck County

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

MEMORANDUM

To: Mark Bissell, Bissell Professional Group
 Justin Old, North-South Development Group

From: Tammy D. Glave, CZO, Senior Planner

Date: January 14, 2021
 Response dated January 25, 2021 is shown in green

Re: PB 20-04 Flora Farm Conditional Rezoning, C-MXR

The following comments have been received for Flora Farm conditional rezoning request. To be placed on the March 10, 2020 Planning Board agenda, all outstanding TRC comments must address and amend plans and documents received before 3:00 p.m. on February 24, 2020. TRC comments are valid for six months.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comment/Resubmit:

1. There is not adequate school capacity for this development (Moyock Elementary exceeds Actual Capacity for this school year and Committee Capacity; High Schools exceed Committed Capacity. Without adequate school capacity or school capacity programmed to be in place within two years from approval, this project is recommended for denial. Phasing a project to allow a limited number of lots (school children) per year does not meet the adequate public facilities ordinance of the UDO since school capacity is not programmed to be in place within two years from approval. There is discussion of adding on to schools; however, that plan is not yet in place.

To the extent adequate public facilities are relevant at the zoning stage, they are not required to be programmed to be in place within two years of zoning approval. In any event, we understand the County has entered agreements to expand capacity at the schools within the Moyock sub-district, and those improvements are scheduled to be in place in the near term.

ADEQUATE PUBLIC FACILITIES – SCHOOLS ¹				
School	2019-2020 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	106%	96%	123%	+69
Shawboro Elementary	85%			
Central Elementary	75%			
Griggs Elementary		74%	100%	0
Jarvisburg Elementary				

Knotts Island Elementary		37%	38%	0
Moyock Middle Currituck Middle		81%	95%	+22
Currituck High JP Knapp Early College		85%	105%	+38

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

²Capacity percentages are based on 2019-2020 classroom standards and August 2019 ADM

³Capacity percentages are based on the 2021-2022 classroom standards and August 2019 ADM

2. Please provide the number of lots that are proposed in the Moyock Small Area Plan Limited Service district and Full Service district. It appears that 129 lots are allowed in the Limited Service district and approximately 175 are proposed. The density limits for each district must be met separately.

The tabulation of LUP and MSAP areas and densities that was provided on Sheet 3 of the plan set is repeated below, slightly reconfigured:

<u>Designation</u>	<u>LUP Calculations</u>	<u>MSAP Calculations</u>		<u>Total</u>
	<u>Full Service Area</u>	<u>Full Service Area</u>	<u>Ltd Service Area</u>	
Area	202.44 Ac	72.7 Ac	129.7 Ac	202.44
UDO Density	404 Units	145.4 Units	129.7 Units	275.1
Proposed	277 Units	101	176 Units	277
Total	277 Units		277 Units	

The UDO does not require that the MSAP density be strictly adhered to per district, and density can be appropriate if the overall density mix is consistent with the overall designations. It is within the County Commissioners' discretion to determine the weight to give each policy, and to determine whether proposed density is reasonable and in the public interest. Also, the County Commissioners determined in the 2019 zoning, and reaffirmed this past week in the approval of the Fost amended Use Permit, that the adjacent Fost tract, a neighboring development with 53% higher density and that is located entirely in the MSAP Limited Service district, is in conformity with the Land Use Plan and the UDO. The Flora plan appears to actually be more consistent than the Fost plan in this regard.

3. Traffic impact analysis:
 - a. The December 16, 2020 memo must be approved by NCDOT. We are anticipating DOT confirmation under separate cover. However, because the TIA and corresponding scope of a more intense development was approved by DOT

during the prior submittal for this tract, and this new proposal offers the same scope and mitigation for a much lower traffic impact, the prior acknowledgement should stand for purposes of resubmittal today,

- b. County staff defers to NCDOT recommendations for the type, timing, and placement of any traffic improvements. Staff still has concerns regarding the recommendation in the TIA that improvements are not made until after full build-out of the development. The TIA does not specifically state the improvements shouldn't come until the entire development is complete, and the improvements can be phased based on when certain phases are being constructed. The traffic consultant recommends building any turn lane improvements at the driveways along Survey Road once those two driveways are constructed. They do not recommend cutting off left-turn access on NC 168 at Survey Road until the Fost Blvd driveway is built on NC 168 and connections have been established through to the Flora Farms site. Lastly, they recommend providing the additional turn lane improvements at NC 168 and Survey Road at the same time that left-turn access will be restricted.
 - c. Even with the reduction in the number of dwelling units and commercial area, staff has concerns that the TIA does not include the school site and may not accurately reflect the proposed conditions. There is no school site in this development.
 - d. The memorandum notes "Therefore, the new site plan does not warrant an update to the Flora Farms Subdivision TIA. The trips projected in the TIA will account for all traffic that is now proposed for the site." Staff recommends that the Level of Service (LOS) rating at each intersection be updated with the new trip generation data. Or, since the new site plan does not warrant an update, does that mean the LOS at the intersections remains the same? Since the number of trips at the site has decreased, the LOS rating at each intersection will either remain the same or improve. A new table could be prepared, but there would not be any increased delays at any of the intersections.
4. How are Nonresidential Design Standards, Building Placement (UDO Section 5.8.3.B) being met? Considering the shape and configuration of the site, with roads on three sides, the 2,500 sq ft building size limitation, and the fact that there does not appear to be any other safe location for an entrance drive, we believe this updated concept included in the plan set meets the non-residential design standards to the greatest degree practicable.
5. If any of the proposed earthen berms cross into wetlands, the US Army Corp of Engineers must approve the activity before any ground disturbing activity occurs. This requirement is acknowledged
6. Please label Survey Road Ditch, a major drainage feature. A label has been added to sheet 2.
7. The Development Standards and Setbacks table list the front setback for single-family lots as 35'. The typical lot details show 20' as the minimum front setback for single-

- family lots. Which is correct? Please rectify. The typical sections have been updated to match the 35' front setbacks shown in the table and on the typical lot detail.
8. Please make sure all sidewalks are clearly identified. For example, the legend shows the sidewalk as a shade of gray; however, what appears to be a sidewalk from the dog park, going around the front pond is not a shade of gray. The walkways have been reviewed and shaded per the legend; the shading is light and not always easy to see, but is easier to see on the new blow-up of the commercial area. The MUP connection from Fost has been adjusted to run around the front of the pond like at Fost, rather than showing two parallel walks.
 9. Please list the amount of open space provided for the residential area and the non-residential area. The table on sheet 3 has been updated to list them separately.
 10. It is recommended that nothing, including landscaping/buffers, be allowed within the drainage and utility easements to allow for heavy equipment access when maintenance of the major drainageways is required. We are proposed that landscaping and possible walking trails be provided to the degree they were provided in the easements on the adjacent Fost development for consistency. A determination was made with Fost that the ditches could still be properly maintained, and we would hope that the same determination could be made here.
 11. Section 5.6.10 requires a sidewalk to be constructed where it will connect to existing or planned sidewalks. The Currituck Transportation Plan (CTP) indicates a future multi-use path running along Caratoke Highway this parcel. A multi-use path is typically 10 feet wide. However, since our ordinance only requires 8 feet for pedestrian paths, an 8 foot wide path will suffice. Please indicate the pedestrian easement and sidewalk on the plan. The MUP is shown on sheets 3 and 4 of the master plan drawings.
 12. There appears to be significant clearing in the wooded area. Has the site been evaluated in the wood area for heritage trees? The land owner has sold the timber on the back part of the property, which has been harvested independently of the development process; however, the developer has coordinated with the timber company to preserve the woodlands that are in wetland areas to the greatest degree practicable.
 13. Are you proposing to fill any wetlands? There will be a roadway crossing and an earthen berm that will require COE approval.

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

1. Call out the easement for future connection for the street stub/sidewalks if not installing to the property line. (UDO Section 5.6.5.B and 5.6.10)
2. Call out 5' non access easements on corner lots on the street with the most traffic. (UDO Section 10.3.3)
3. Call out how pedestrian crossings will be delineated. (UDO Section 5.6.10)
4. Call out sight triangles. (UDO 10.3.4)
5. Show things such as, recreation and park area dedication and detailed landscaping plan, etc.
6. Major arterial screening is required (UDO Section 5.2.8)
7. Nonresidential must be neighborhood serving businesses. Please review the non-residential design standards. Since visible from Caratoke Highway, additional design standards apply.

8. Payment-in-lieu of parkland dedication will be required.
It is acknowledged that additional details will need to be provided at the preliminary plat stage to address these and other design parameters.

Currituck County Chief Building Inspector (Bill Newns, 252-232-6023)

Reviewed with comment:

1. The appears to be a fire hydrant missing around the area of Moss Street. A hydrant has been added at Moss Street.
2. No street parking signage required throughout the neighborhood. This requirement is acknowledged and will be shown on the preliminary plat drawings.

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

Reviewed with comment:

1. Would prefer to see at least one 2.5K SF parcel out of the overall 7.5K SF commercial parcel slated to be developed in conjunction with Phase 1 at the proposed Flora Blvd and Survey Road intersection The phasing plan has been updated to include the first part of the commercial area in the first phase. It is intended that the first pad site be made ready for development.

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

Reviewed without comment.

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

Reviewed with comment:

1. It needs noting that the development is close to the MMS Baseball/Softball complex and that the residents could experience some lighting spill over while the fields and lighting systems are in use for school and county activities. Acknowledged.

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

Reviewed with comment:

1. In the limited service area on the southern portion of the project, do the delineated wetland areas serve as collection ponds? Numerous swales and pipes are directed toward this area and there is not a big difference of elevation according to county LiDAR maps. Yes; the surrounding lots will be elevated to create some temporary storage in some of these areas.
2. Is it possible to add pipe connection between ponds on both sides of Miriam Drive West to assist in drawdown rates? We have added a culvert, but it should be noted that this layout is tentative and we will not know for certain what is required until stormwater modeling is performed at the construction drawing stage.
3. All previous comments from TRC sessions apply up to Construction Drawing phase. Acknowledged.

Currituck County Utilities Director (Will Rumsey, 252-232-2769)

Reviewed without comment.

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

Attachment: 9 1-25-21 Response to PB 21-04 Flora CMXR TRC Comments (PB 21-04 Flora Farm: MXR)

Reviewed with comment:

1. Wastewater system will need to be reviewed and approved by the NC Department of Environmental Quality (Washington Regional Office). This requirement is acknowledged. This will happen at the construction drawing stage.

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

Reviewed without comment.

US Post Office (Local)

Please contact the post office regarding method of mail delivery. The post office has been contacted and shown the CBU locations, which are similar to the previous plan.

Mediacom (252-482-5583)

See attached letter.

Comments Not Received From:

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

NC Department of Transportation, District Engineer (David Otts, 252-331-4860)

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.

**Kim Mason, NC Area Director**
kmason@mediacomcc.com

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

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

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

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

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

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

Bertie County	Martin County	Chowan County	Perquimans County
Colerain	Jamesville	Arrowhead / Chowan Beach	Hertford
Kelford	Northampton County	Edenton	Winfall
Lewiston	Conway	Currituck County	Tyrrell County
Powellsville	Galatia	Barco	Columbia
Roxobel	Jackson	Currituck	Washington County
Windsor	Rich Square	Grandy	Creswell
Camden County	Seaboard	Moyock	Plymouth
Camden	Severn	Point Harbor	Roper
Shiloh	Woodland	Poplar Branch	
South Mills		Tulls Bay	

About Mediacom Communications

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

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

Best regards,

Kim Mason
Operations Director, North Carolina

Attachment: 9 1-25-21 Response to PB 21-04 Flora CMXR TRC Comments (PB 21-04 Flora Farm: MXR)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3038

Agenda Item Title: PB 18-23 Fost, Amended PD-R #3:

Submitted By: Tammy Glave – Planning & Community Development

Item Type: Legislative

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

Leif Street stub connection to the Flora Farm property on the northwestern property line.

Planning Board Recommendation: Approval with Conditions

Staff Recommendation: Approval with Conditions

TRC Recommendation: Approval with Conditions



STAFF REPORT

PB 18-23 FOST TRACT #3 AMENDED PD-R

BOARD OF COMMISSIONERS

MARCH 1, 2021

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 #3
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 #3
Request: Leif Street stub connection to the Flora property on the northwestern property line.	

REQUEST

NARRATIVE

The Board of Commissioners originally approved the Planned Development – Residential on May 6, 2019, and then approved amended plan #1 on November 4, 2019 and amended Plan #2 on December 7, 2020 (attached). This requested amendment #3 is to allow a street stub connection to the Flora property (Leif Street).

COMMUNITY MEETING

A community meeting was held on December 16, 2020 at the Eagle Creek Pavilion. No members of the community attended the meeting.

SURROUNDING PARCELS

	Land Use	Zoning
North	Single-family dwellings, retail	AG, GB, SFM
South	Single-family dwellings, cultivated farmland	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:

- Would prefer to see some commercial development as part of the Fost tract along Caratoke Hwy and be included as part of Phase 2 & 3 as opposed to proposing all commercial development in Phase 7. (Economic Development)
- Any impacts to jurisdictional waters or wetlands of the United States require prior approval from the US Army Corps of Engineers. (US Army Corps of Engineers)
- Drainage and utility requirements in the June 24, 2019 approved order remain unchanged. (Attached)

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.

RECOMMENDATION

Planning Board

The Planning Board recommends approval of the conditional rezoning subject to the following conditions:

1. Any impacts to jurisdictional waters or wetlands of the United States require prior approval from the US Army Corps of Engineers. (US Army Corps of Engineers)
2. Drainage and utility requirements in the June 24, 2019 approved order remain unchanged. (Attached)

Motion

Mr. Doll 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 if 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)

Conditions of Approval:

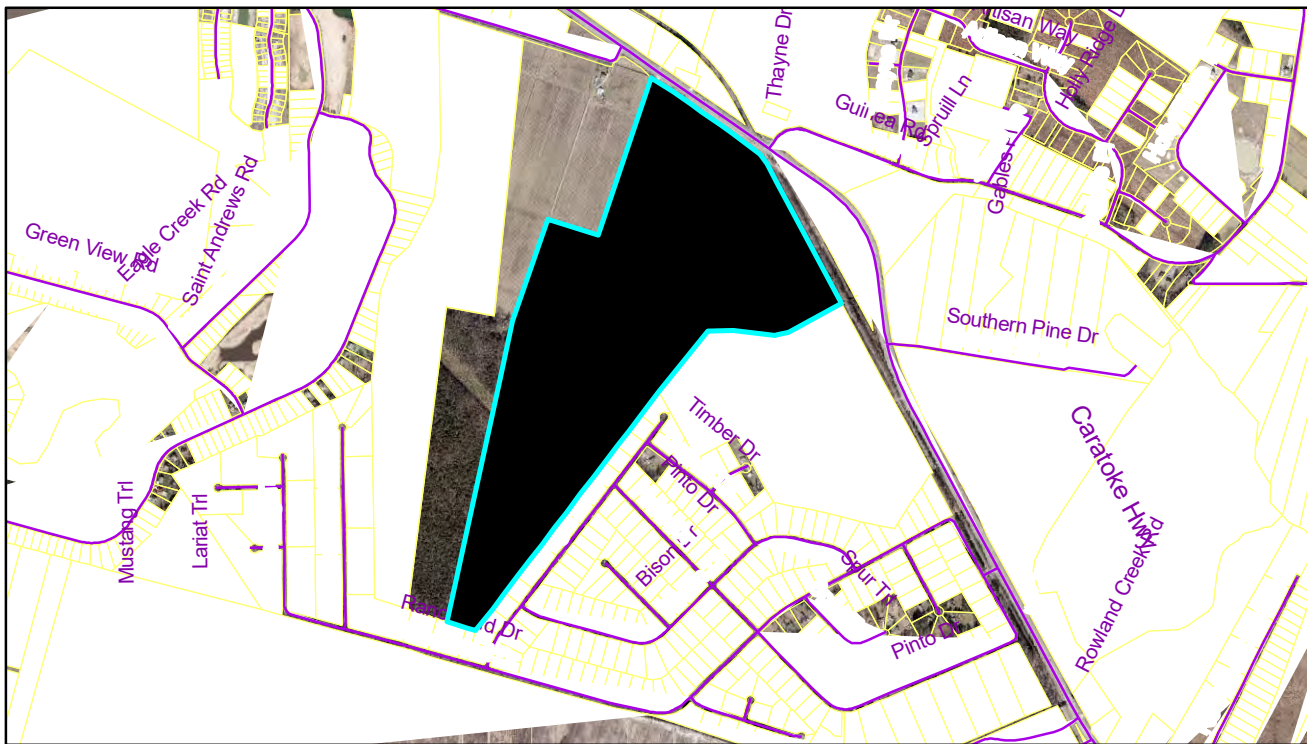
1. Any impacts to jurisdictional waters or wetlands of the United States require prior approval from the US Army Corps of Engineers. (US Army Corps of Engineers)
2. Drainage and utility requirements in the June 24, 2019 approved order remain unchanged. (Attached)

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

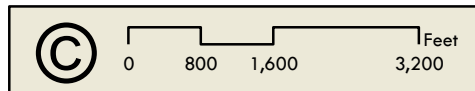
It is required by changed conditions acknowledged by the Land Use Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components. (BOC 6/24/19)

Mr. Owens seconded the motion to approve and the motion carried unanimously 5-0.

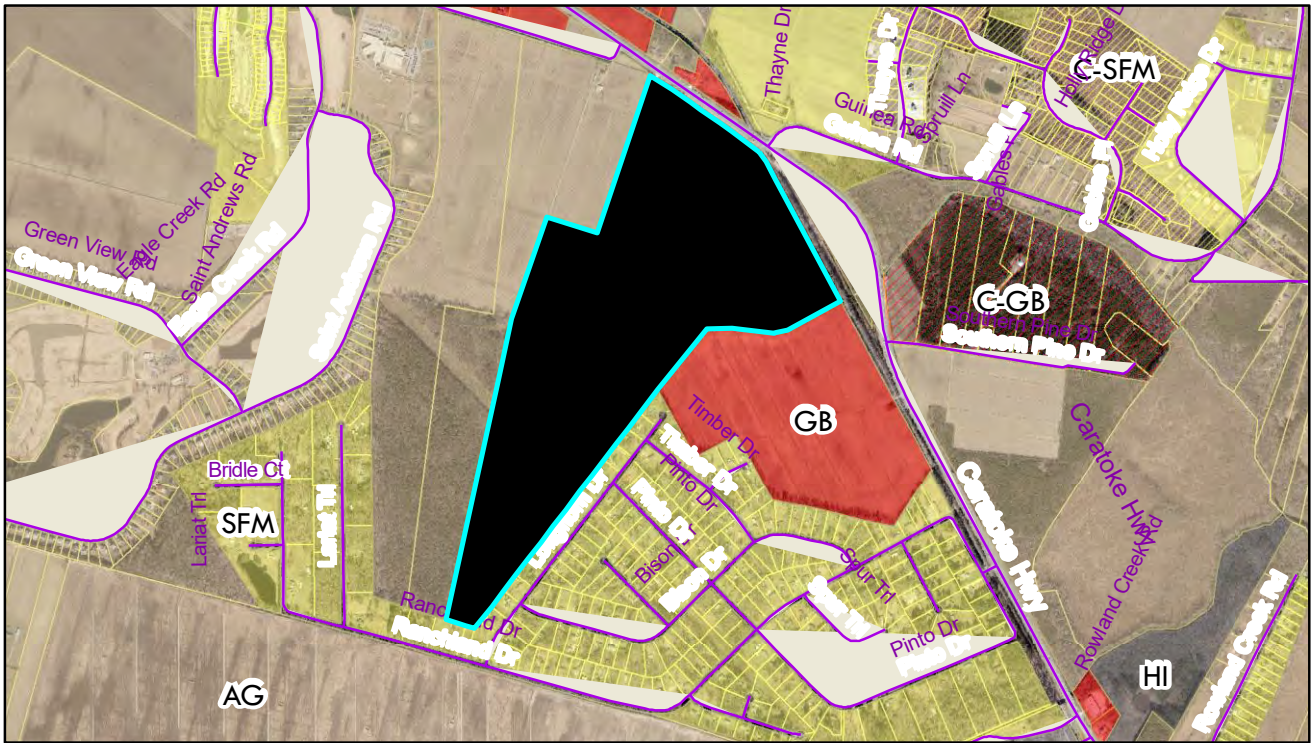
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



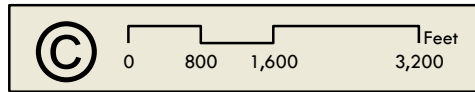
PB 18-23 Fost
Amended PD-R Zoning
2016 Aerial Photography



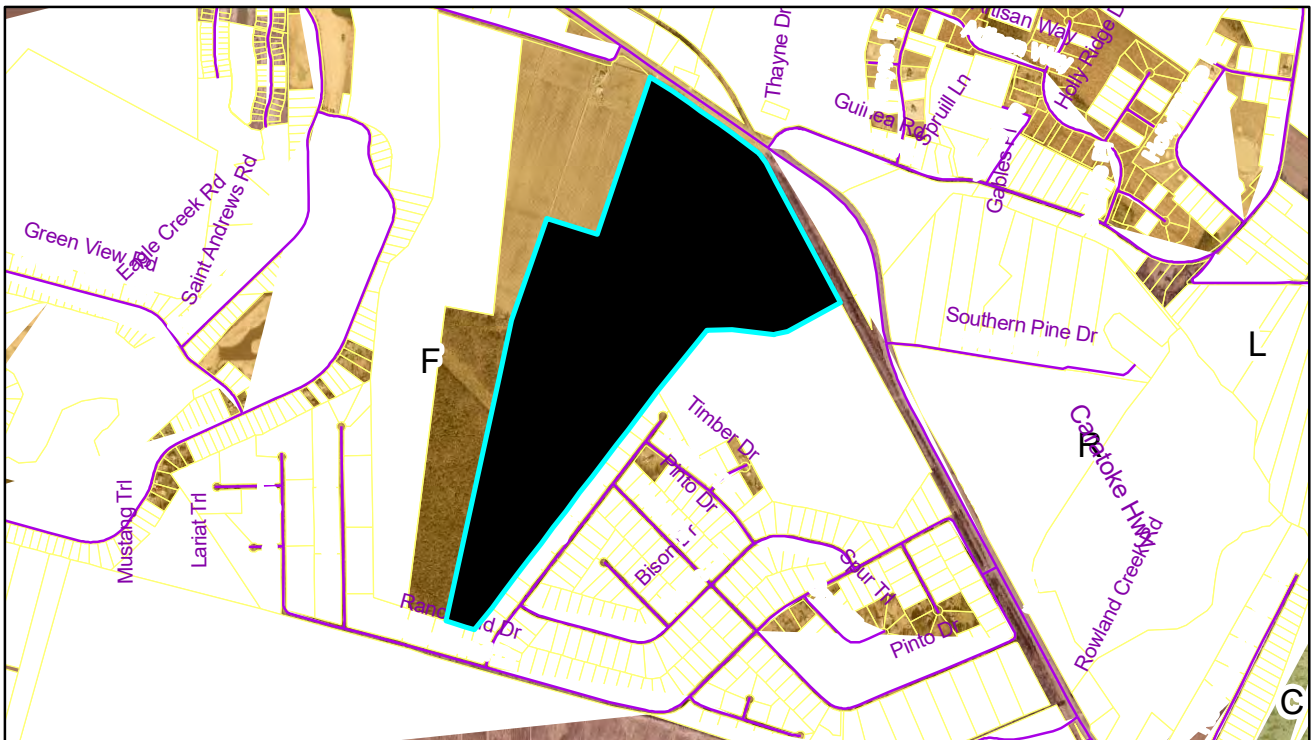
Currituck County
Planning and
Community Development



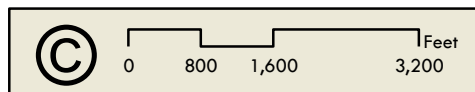
PB 18-23 Fost
Amended PD-R Zoning
Zoning



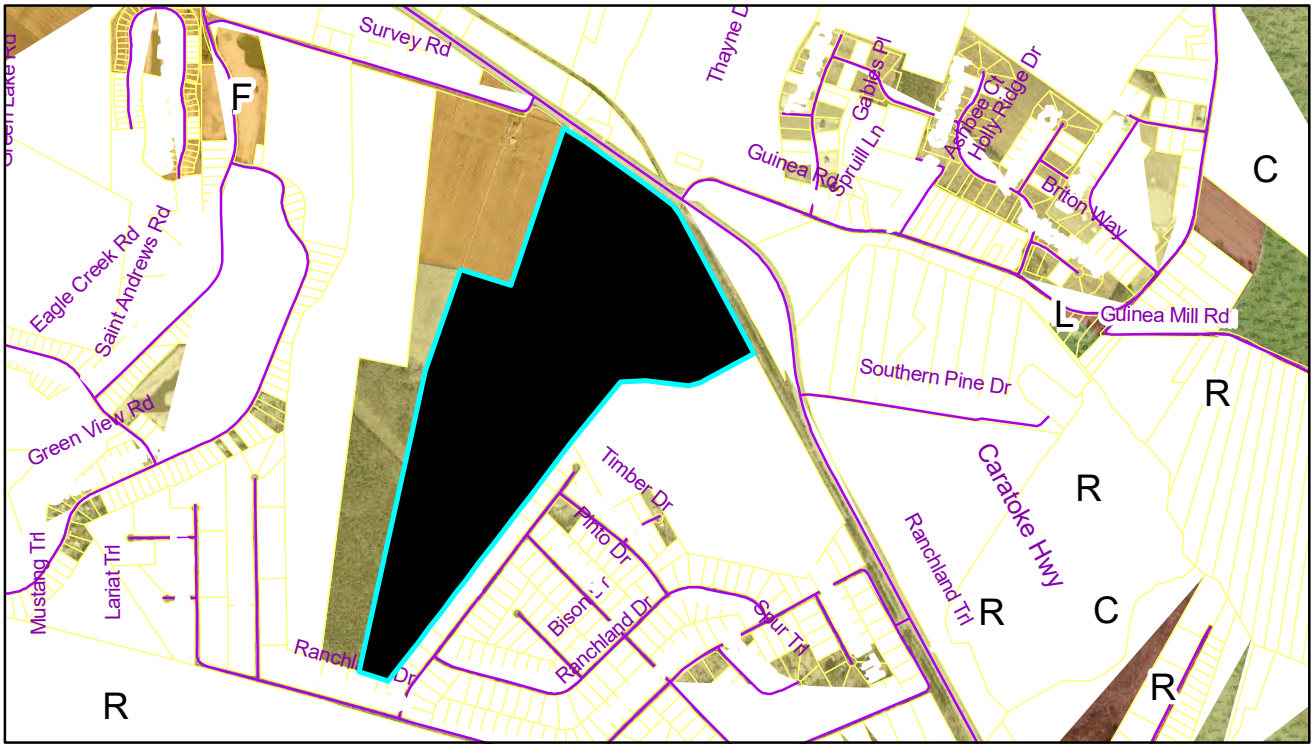
Currituck County
Planning and
Community Development



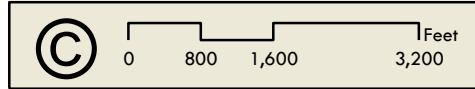
PB 18-23 Fost
Amended PD-R Zoning
LUP Classification



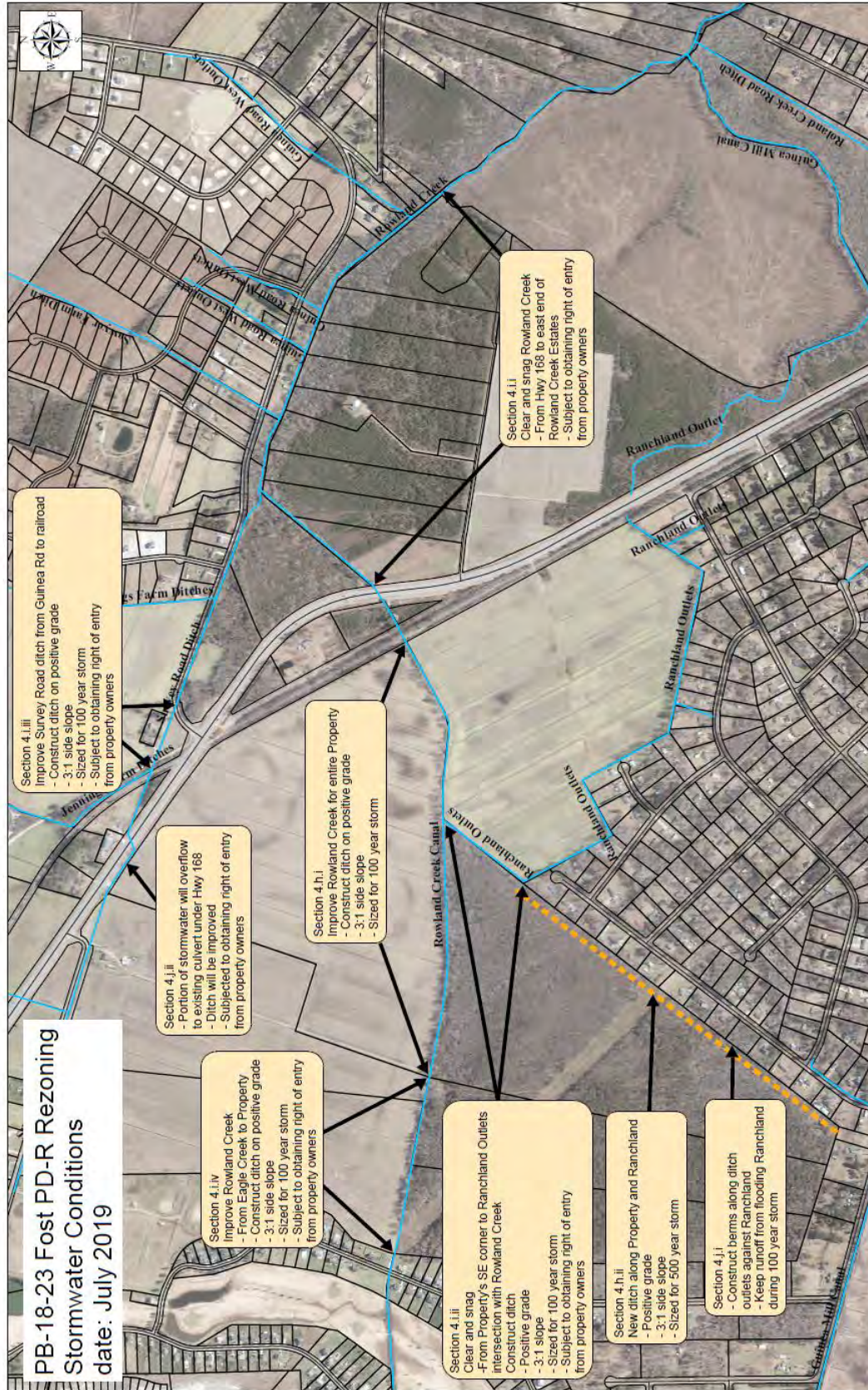
Currituck County
Planning and
Community Development

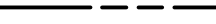


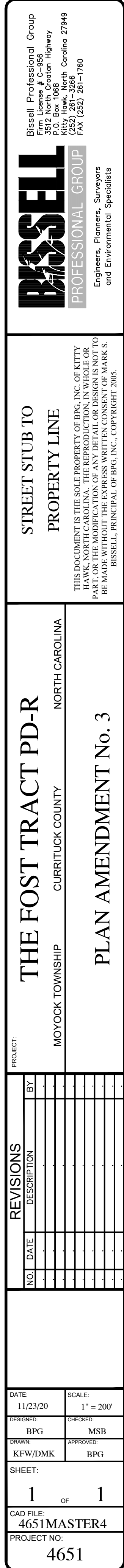
PB 18-23 Fost
Amended PD-R Zoning
Moyock SAP Classification



Currituck County
Planning and
Community Development



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





Currituck County

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

MEMORANDUM

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

From: Planning Staff

Date: January 14, 2021

Re: Fost #3 Amended Planned Development Master Plan (Leif Street Connection to Flora Property) TRC Comments

The following comments have been received for the January 13, 2021 TRC meeting. In order to be scheduled for the February 9, 2021 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on January 25, 2021. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Tammy Glave, 252-232-6025)

Reviewed without comment.

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

Reviewed without comment.

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

Reviewed with comment:

1. Would prefer to see some commercial development as part of the Fost tract along Caratoke Hwy and be included as part of Phase 2 & 3 as opposed to proposing all commercial development in Phase 7.

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

Reviewed without comment.

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

Reviewed without comment.

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

Reviewed with comment:

1. All previous comments from TRC review on 3/12/2020 have been addressed and there are no new comments at this time.

Currituck County Public Utilities, Water (Will Rumsey, 252-232-6065)

Reviewed without comment.

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

Reviewed without comment.

Attachment: 3 Fost Amended PD #3 TRC Comments 1-13-2021 (PB 18-23 Fost Track Amended PD-R #3)

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

Reviewed with comment:

1. Wastewater system will need to be reviewed and approved by the NC Department of Environmental Quality (Washington Regional Office.)

Mediacom (252-482-5583)

See attached letter.

US Army Corps of Engineers (Anthony D. Scarbraugh, 910-251-4619)

Reviewed with comment:

1. Any impacts to jurisdictional waters or wetlands of the United States require prior approval from the US Army Corps of Engineers.

US Post Office

Contact the local post office for mail delivery requirements

Comments Not Received From:

Currituck County Engineer (Eric Weatherly, 252-232-6035)
NCDOT (Caitlin Spear, 252-331-4737)

The following items are necessary for resubmittal:

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


Kim Mason, NC Area Director
kmason@mediacomcc.com

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

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

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

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

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

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

Bertie County

Colerain

Kelford

Lewiston

Powellsville

Roxobel

Windsor

Camden County

Camden

Shiloh

South Mills

Martin County

Jamesville

Northampton County

Conway

Galatia

Jackson

Rich Square

Seaboard

Severn

Woodland

Chowan County

Arrowhead / Chowan Beach

Edenton

Currituck County

Barco

Currituck

Grandy

Moyock

Point Harbor

Poplar Branch

Tulls Bay

Perquimans County

Hertford

Winfall

Tyrrell County

Columbia

Washington County

Creswell

Plymouth

Roper

About Mediacom Communications

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

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

Best regards,

Kim Mason

Operations Director, North Carolina

Attachment: 3 Fost Amended PD #3 TRC Comments 1-13-2021 (PB 18-23 Fost Track Amended PD-R #3)



Currituck County

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

MEMORANDUM

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

From: Planning Staff

Date: January 14, 2021
 Response dated January 25, 2021 is shown in green

Re: Fost #3 Amended Planned Development Master Plan (Leif Street Connection to Flora Property) TRC Comments

The following comments have been received for the January 13, 2021 TRC meeting. In order to be scheduled for the February 9, 2021 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on January 25, 2021. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Tammy Glave, 252-232-6025)

Reviewed without comment.

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

Reviewed without comment.

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

Reviewed with comment:

1. Would prefer to see some commercial development as part of the Fost tract along Caratoke Hwy and be included as part of Phase 2 & 3 as opposed to proposing all commercial development in Phase 7. Unfortunately the entire pond along Caratoke Highway has already been constructed, and the roads and lots behind it have been substantially graded at this stage. With regard to the mixed use commercial, which is internally oriented, in order to have a greater chance of being successful, the developer is waiting until there are sufficient occupied rooftops to start that part of the development, which is the reason for it being in Phase 7.

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

Reviewed without comment.

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

Reviewed without comment.

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

Reviewed with comment:

1. All previous comments from TRC review on 3/12/2020 have been addressed and there are no new comments at this time.

Currituck County Public Utilities, Water (Will Rumsey, 252-232-6065)

Reviewed without comment.

Attachment: 4 1-25-21 Response to Fost Amended PD (PB 18-23 Fost Track Amended PD-R #3)

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

Reviewed without comment.

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

Reviewed with comment:

1. Wastewater system will need to be reviewed and approved by the NC Department of Environmental Quality (Washington Regional Office.) This requirement is acknowledged, and will be obtained at the construction drawing approval stage.

Mediacom (252-482-5583)

See attached letter.

US Army Corps of Engineers (Anthony D. Scarbraugh, 910-251-4619)

Reviewed with comment:

1. Any impacts to jurisdictional waters or wetlands of the United States require prior approval from the US Army Corps of Engineers. The jurisdictional Impacts have been permitted.

US Post Office

Contact the local post office for mail delivery requirements The post office previously approved the proposed CBU locations, which have not changed.

Comments Not Received From:

Currituck County Engineer (Eric Weatherly, 252-232-6035)
NCDOT (Caitlin Spear, 252-331-4737)

The following items are necessary for resubmittal:

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


Kim Mason, NC Area Director
kmason@mediacomcc.com

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

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

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

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

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

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

Bertie County

Colerain

Kelford

Lewiston

Powellsville

Roxobel

Windsor

Camden County

Camden

Shiloh

South Mills

Martin County

Jamesville

Northampton County

Conway

Galatia

Jackson

Rich Square

Seaboard

Severn

Woodland

Chowan County

Arrowhead / Chowan Beach

Edenton

Currituck County

Barco

Currituck

Grandy

Moyock

Point Harbor

Poplar Branch

Tulls Bay

Perquimans County

Hertford

Winfall

Tyrrell County

Columbia

Washington County

Creswell

Plymouth

Roper

About Mediacom Communications

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

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

Best regards,

Kim Mason

Operations Director, North Carolina

Attachment: 4 1-25-21 Response to Fost Amended PD (PB 18-23 Fost Track Amended PD-R #3)

Fost PD-R Amendment NO. 3

December 16, 2020

Scheduled Time/Place: 5:30pm, Eagle Creek Pavilion

We waited until 6:00pm and no one from the community arrived.

Attendees: Laurie LoCicero, Currituck County
Justin Old, Developer
Mark Bissell, Engineer

Comments from the Community	How Addressed
None	



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: Same
 Address: _____
 Telephone: _____
 E-Mail Address: _____

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: Planned Development

Request

Current Zoning of Property: PD-12

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: December 16, 2020 Meeting Location: Eagle Creek Pavilion

Planned Development Request

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

Property Owner(s) _____

Date 12/16/2020

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.



**PB 18-23 FOST PD-R REZONING
AMENDMENT 2
BOARD OF COMMISSIONERS
DECEMBER 7, 2020**

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. It is consistent with all the review standards provided under the Unified Development Ordinance (UDO) Section 2.4.3.C. (BOC 6/24/19)
- b. The conditions placed on the development will improve drainage problems on the property within nearby Ranchland and Eagle Creek subdivisions if improvements are made to the drainage system on off-site properties. (BOC 6/24/19)
- c. It is compatible with existing Moyock Township subdivisions. (BOC 6/24/19)
- d. The drainage and utility requirements in the June 4, 2019 approved order remain unchanged.
- ~~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 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.~~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-one (71) residential units.
- b. Development on the Property shall be connected to a North Carolina Department of Environmental Quality ("NCDEQ") or North Carolina 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 connected by the Developer and Managed by a wastewater utility. 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.~~
- 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 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.

Additional conditions approval on December 7th, 2020:

- m. Rowland Creek near the south of the property must be cleared and snagged as soon as possible.
- n. 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.
- o. Drainage and utility requirements in the June 24, 2019 approved order remain unchanged.

Formatted: Superscript

Formatted: Numbered + Level: 1 + Numbering Style: c, ... + Start at: 1 + Alignment: Left + Aligned at: 1. Indent at: 1.42"

Formatted: Indent: Left: 1"

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 74th day of ~~November~~ December 2019 ~~2020~~.

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

ATTEST:

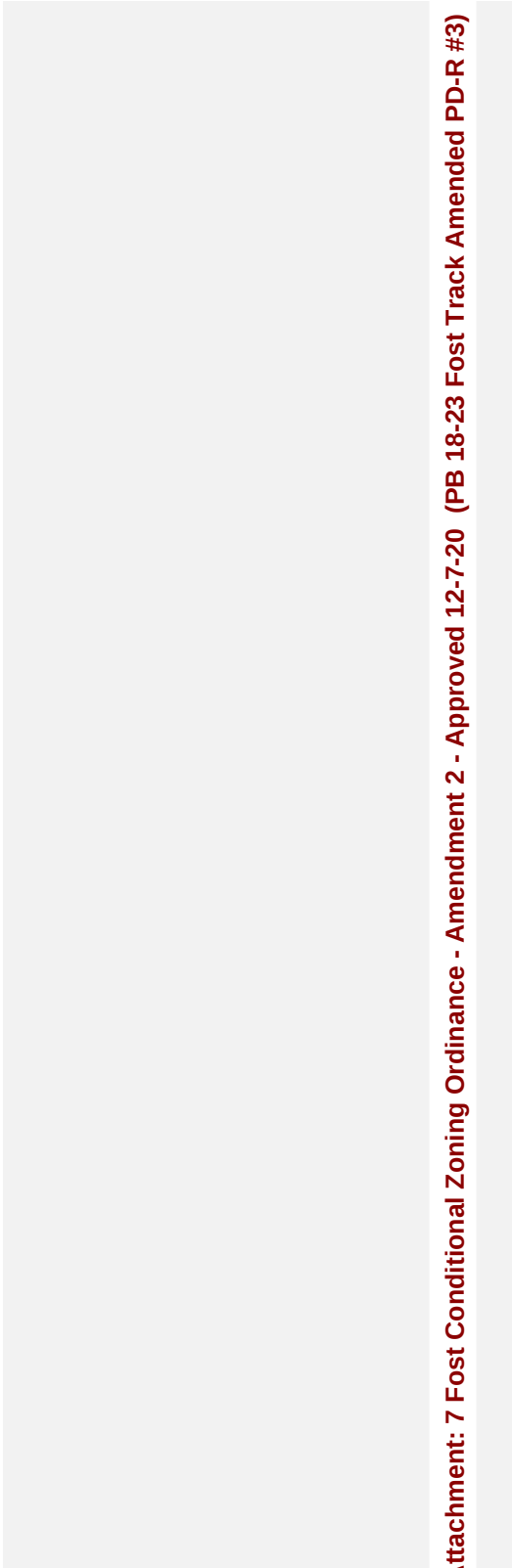
Clerk to the Board

Chairman
Board of Commissioners

Date

(NOT VALID UNTIL FULLY EXECUTED)

(SEAL)



Attachment: 7 Fost Conditional Zoning Ordinance - Amendment 2 - Approved 12-7-20 (PB 18-23 Fost Track Amended PD-R #3)

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

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

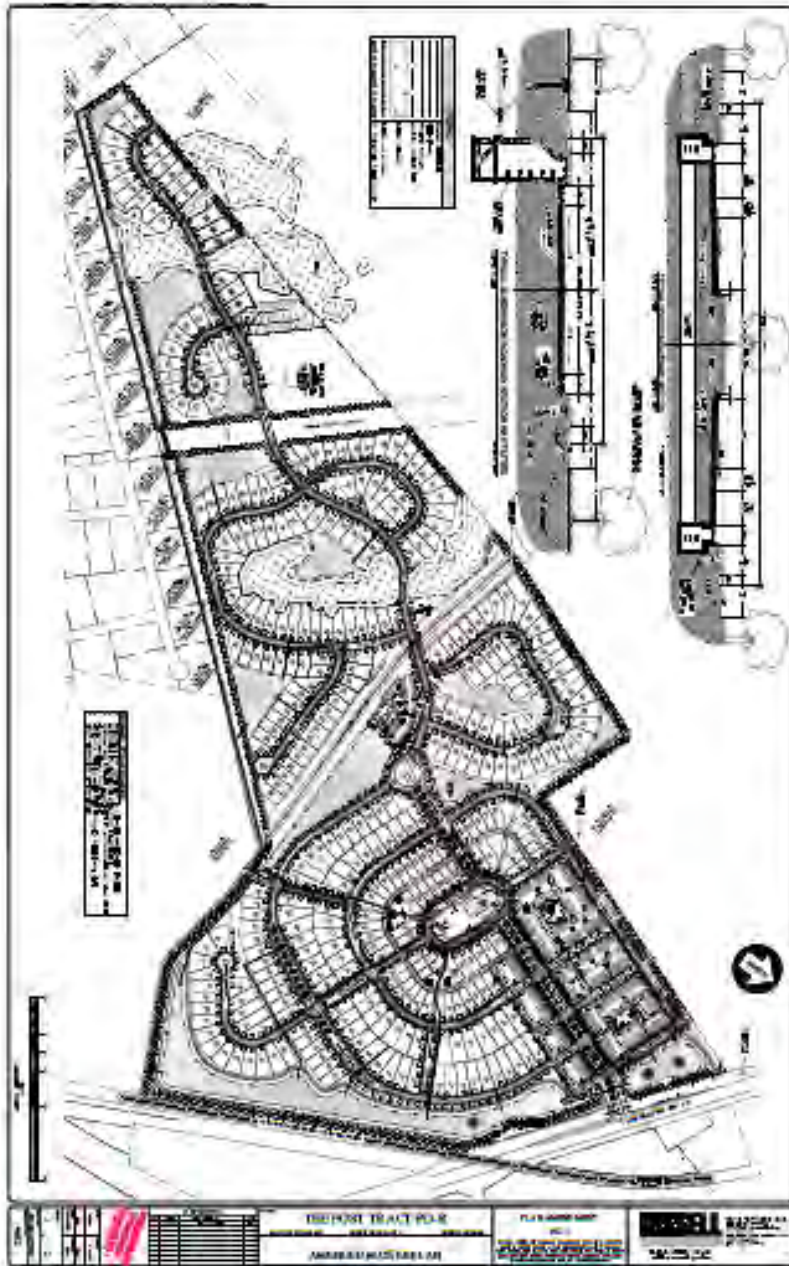
SCHEDULE B

PHASING SCHEDULE

<u>PHASE</u>	<u>AREA (Ac.)</u>	<u>DEVELOPMENT INTENSITY (D.U./Ac)</u>	<u>TND T.H.</u>	<u>TND S.F.</u>	<u>CONV. S.F.</u>	<u>TOTAL</u>	<u>OTHER IMPROVEMENTS</u>
1	39.7	1.79	25	12	34	71	Rowland Creek Drainage Improvements
2	33.1	1.96	19	9	37	65	Main Lake (completion)
3	29.2	1.88	16	14	25	55	Village Green & Clubhouse
4	19.9	3.67	27	7	39	73	Multi-Use Path
5	14.4	2.57	-	17	20	37	Swimming Pool
6	39.7	1.99	21	-	58	79	Up to 22,000 SF Neighborhood Commercial
7	23.8	2.56	18	-	43	61	
8	17	1.12	-		19	19	
9	12	1.58	-	-	19	19	
Utility	<u>13.7</u>	<u>0</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</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



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

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

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

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

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

j. Overall stormwater conditions:

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

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

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

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

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

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

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

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

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

SCHEDULE A

DEVELOPMENT STANDARDS & SETBACKS

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

SCHEDULE B

PHASING SCHEDULE

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

SCHEDULE C
ROADWAY
STANDARDS

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



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3035

Agenda Item Title: PB 21-02 Hutchinson Rezoning:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jennie Turner

Board Action: Action

Brief Description of Agenda Item:

Request for a conventional rezoning of 11.27 acres from General Business (GB) and Agricultural (AG) to General Business (GB) and Mixed Residential (MXR). The property is located on Caratoke Highway in Grandy, Tax Map 94, Parcel 113A, Poplar Branch Township.

Planning Board Recommendation: Denial

Staff Recommendation: Denial

TRC Recommendation:



STAFF REPORT

PB 21-02 HUTCHINSON REZONING

BOARD OF COMMISSIONERS

MARCH 1, 2021

APPLICATION SUMMARY

Property Owner: Jim & Phyllis Hutchinson PO Box 75 Grandy, NC 27939	Applicant: Don Williams, Mainstay Construction, Inc. PO Box 429 Moyock, NC 27959
Case Number: PB 21-02	Application Type: Zoning Map Amendment
Parcel Identification Number: 0094-000-113A-0000	Existing Use: Vacant with Billboard (Off-Premise Sign)
Land Use Plan Classification: Full Service	Parcel Size (Acres): 11.27
Land Use Plan Subarea: Grandy	Zoning History: 1989 GB/AG, 1975 B/A-40, 1974 B/A-40, 1971 HC/A-O1, 1970 HC/A-O1
Current Zoning: GB/AG	Proposed Zoning: GB/MXR
Request: Request for a zoning map amendment to relocate existing GB zoning line on the property to reduce area of GB zoning and rezone the remainder of the property to MXR.	

REQUEST

Narrative

The applicant is requesting a conventional rezoning of 11.27 acres from General Business (GB) and Agricultural (AG) to General Business (GB) and Mixed Residential (MXR).

The property is split zoned. This request moves the GB zoning line closer to Caratoke Highway reducing the GB zoned portion of the property from 6.66 acres to 3.70 acres. The request rezones 4.61 acres of AG property and proposes a total of 7.57 acres of MXR. If approved, the result will be a split zoned parcel with 3.70 acres of GB and 7.57 acres of MXR.

Community Meeting

A community meeting was held on December 14, 2020 at Mount Zion Methodist Church. There were four people in attendance including the applicant's consultant and a county representative. A meeting summary is included in the agenda packet.

SURROUNDING PARCELS

	Land Use	Zoning
North	Vehicle Service, Commercial Strip Development, Self-Service Storage and Religious Institution	GB & AG
South	Beacon Seafood and Vacant	GB & AG
East	Single-Family Dwellings	GB
West	Carolina Club Open Space Subdivision (Golf Course and Single-Family Dwellings)	AG

LAND USE PLAN

The 2006 Land Use Plan (LUP) classifies this site as Full Service within the Grandy subarea. The policy emphasis is to allow Grandy to evolve as a community center. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However, in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. Clustered housing developments, with open space required by ordinance, is encouraged.

The following policies are relevant to the zoning map amendment request:

Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas. Staff Commentary: County water is available, on-site wastewater will be required. This proposed MXR transitional zoning district appears to be a change to the existing development pattern. MXR proposed directly adjacent to AG.
Policy HN3	Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl: 1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map. 2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map. Staff Commentary: This property may develop as a mixed-use development and there is an opportunity to require a properly planned development under singular zoning.
Policy HN9	Proposed residential development that would expose residents to the harmful effects of INCOMPATIBLE LAND USES or to ENVIRONMENTAL HAZARDS shall be prohibited. This would include, for example, residential development in locations adversely impacted by proximity to the airport or to activities involving excessive noise, light, odors, dust, fertilizers and insecticides (e.g. certain farm operations, mining activities, etc.). Staff Commentary: The Board should consider limiting allowable non-residential uses on site. For example: this is not an ideal location for a convenience store since it does not adjoin a collector or secondary street and traffic control may be difficult for uses with higher traffic demand.

Policy CD1	NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks. Staff Commentary: The property is not located at an intersection; a conceptual plan may address access and appropriate small-scale businesses.
Policy CD2	Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation. Staff Commentary: Commercial uses greater than neighborhood scale should be excluded to curtail strip development and minimize traffic. This application is requesting retention of GB zoning adjacent to MXR, GB uses may need to be limited for compatibility with MXR that will very likely have a residential component.
Policy CD3	LARGE COMMERCIAL CENTERS should be located adjacent to the intersections of major roadways; planned concentrations of employment and housing should be encouraged to locate convenient to these centers. Staff Commentary: Large Commercial uses should be excluded. This application is requesting retention of GB zoning adjacent to MXR, GB uses may need to be limited for compatibility with MXR that will very likely have a residential component.
Policy CD4	HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT. (See esp., Policy CD9 below concerning connected parking areas.) Staff Commentary: Through conditional zoning, a conceptual development plan will give assurances that development is compatible (reinforcing in use and design), provide access points and limit strip development potential.
Policy CD5	Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like. (Also see Policy HN9) Staff Commentary: The MXR zoning district is a transitional zoning district that would typically be located between existing residential zoning and more intense commercial zoning. Through conditional zoning, a conceptual development plan will give assurances that development is compatible and properly planned, the conceptual plan may also limit automobile-oriented uses.
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. "Activities of higher intensity" are typically large-scale commercial uses or automobile-oriented commercial development but may also include major thoroughfares. Staff Commentary: Office and Institutional uses may be more compatible MXR transition uses between the existing open space development (Carolina Club) and this proposed rezoning.
Policy CD8	MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development. Staff Commentary: Ideally, the subject property will be properly planned and a conceptual development plan with allowable uses and site design features including pedestrian circulation and access will help to ensure that the property is designed and compatible with residential and non-residential use.

Staff Analysis

The subject parcel is 11.27 acres, and this request proposes conventional GB and MXR zoning. The intent of the GB Zoning District is to accommodate small to medium-sized commercial, office, personal service, and institutional uses that provide goods and services to county residents and visitors in ways that protect the county's scenic corridors as well as maintain the traffic carrying capacity of major roadways. The intent of the MXR Zoning District is to provide moderate-cost housing options for county residents within well-designed neighborhoods and developments that incorporate open space resources and may also include limited non-residential uses proximate to housing.

The subject parcel has direct access to Caratoke Highway in Grandy and it is located on the west side of the highway between Augusta Drive and Carolina Club Drive, adjacent to the Carolina Club, an open space subdivision consisting of 288.7 acres of development area and 166.2 acres of open space. According to the amended sketch plan for Carolina Club, density is .63 units per acre in the development. This adjacent development is very low-density residential with over 55% open space including a golf course.

This rezoning request is an attempt to maximize residential development density of the parcel while retaining the GB zoning along Caratoke Highway. With the current bifurcated zoning, due to the small portion (4.61 acres) of AG zoned property, residential development potential is limited. Subdivision options are limited to minor or traditional subdivisions with minimum 40,000 square foot lots. After the 5th lot, open space requirements are triggered. A few lots may be created on the parcel with the current split zoning (approx. 5 lots max).

One option for this property is to rezone the entire parcel to conventional or conditional General Business, such request may result in the ability to create additional lots on the parcel (minimum 40,000 sf). A rezoning to conditional GB could allow for the entire parcel to be developed with 40,000 square foot lots and 30% open space that may result in 7 or 8 lots total. Given that the parcel abuts Caratoke Highway, in the Full-Service area of Grandy, the conditional GB option is likely better as it continues to allow for commercial uses adjacent to the highway and it allows for 40,000 square foot lots with lower density potential adjacent to GB uses.

The requested bifurcated zoning results in 7.7 acres of MXR with a maximum development potential of 15 lots; this would need to be designed and given on-site wastewater and open space requirements, 15 lots may not be feasible on the parcel. The remaining GB zoned portion of the property may be developed into 2-3 lots along Caratoke Highway. The requested density of this parcel in relation to the neighboring Carolina Club open space subdivision is markedly greater.

This conventional rezoning request results in a substantial density increase and the potential for non-residential development adjacent to a high-quality, low-density residential development (Carolina Club). To ensure that the development will be a compatible, well-planned mixed-use development, it is staff's opinion that a conditional zoning application should be submitted and reviewed. Staff does not support a conventional rezoning of this property from AG/GB to MXR/GB. The Land Use Plan states that mixed use developments should be properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses. This request does not ensure that the result of development of this parcel will be compatible development.

A use comparison by zoning district is provided below.

MIXED RESIDENTIAL (MXR) DISTRICT PERMITTED USE COMPARISON		
Uses highlighted green are allowable in AG Uses <u>underlined</u> are allowable in GB		
	MXR	Conditional-MXR
Agriculture/Horticulture	Cemetery, columbaria,	Dwelling, mansion apartment
Silviculture	mausoleum	Dwelling, multi-family
Dwelling, duplex	Community garden	Dwelling, townhouse
Dwelling, live/work	Park, public or private	
Dwelling, Manufactured Home	Police, fire or EMS facility	
Dwelling, Single-Family Detached	Telecommunications antenna	
Dwelling, upper story	collocation on tower or building	
Dormitory	Utility, minor	
Family care home	<u>Specialty eating establishment</u>	
<u>Rooming or boarding house</u>	<u>Business and sales</u>	
<u>Community center</u>	<u>Professional services</u>	
<u>Cultural facility</u>	<u>Fitness center</u>	
<u>Library</u>	<u>Recreation, indoor</u>	MXR subject to Use Permit
<u>Museum</u>	<u>Theater</u>	Agricultural processing
<u>Senior Center</u>	<u>Athletic facility</u>	<u>Club or lodge</u>
<u>Youth club facility</u>	<u>Golf driving range</u>	<u>Halfway house</u>
<u>Adult day care center</u>	<u>Convenience store</u>	<u>Psychiatric treatment facility</u>
<u>Child care center</u>	<u>Drug store or pharmacy</u>	<u>Utility, major</u>
School, elementary, middle, high	<u>Entertainment establishment</u>	<u>Restaurant, with indoor or outdoor seating</u>
Government office	<u>Financial institution</u>	<u>Golf course</u>
<u>Assisted living facility</u>	<u>Laundromat</u>	<u>Marinas</u>
<u>Nursing home</u>	<u>Personal services establishment</u>	<u>Recreation, outdoor</u>
Religious institution	<u>Bed and Breakfast Inn</u>	<u>Public convenience center/transfer station</u>
Arboretum or botanical garden	Hunting lodge	
	Crabshedding	

GENERAL BUSINESS (GB) DISTRICT PERMITTED USES		
Uses allowable in GB and not in MXR		
GB	GB subject to Use Permit	
Agribusiness	Veterinary clinic	Airport
Equestrian Facility	Dinner theater	Helicopter landing facility
Farmer's market	Parking lot	Passenger terminal, surface
Nursery, production	Artisan food and beverage	transportation
Roadside market	producer	Telecommunications tower,
Agricultural research facility	Bar, nightclub, or cocktail lounge	freestanding
Distribution hub for agricultural	Funeral home	Wind energy facility, large
and agronomic products	Grocery store	Arena, amphitheater, or stadium
Farm machinery sales, rental, and	Repair establishment	Outdoor tour operator
service	Retail sales establishments	Outdoor tour operator, Aviation
College or university	Winery	Pawn Shop
Vocational or trade school	Boat and marine rental, sales,	Shopping center
Government maintenance,	service	Automobile sales or rentals
storage, or distribution facility	Automotive parts and installation	Public convenience center/transfer
Blood/tissue collection facility	Automobile repair and servicing	station
Drug or alcohol treatment facility	(including painting/bodywork)	
Hospital	Car wash or auto detailing	
Medical treatment facility	Taxicab service	
Auditorium, conference, and	Hotel or motel	
convention center	Contractor service	
Animal grooming	Research and development	
Animal shelter		
Kennel		

This rezoning could be considered spot zoning. Spot zoning can be legal if it meets the five factors of validity. Below are the five factors in validity:

- o There is an emphasis on a very limited number of property owners being involved, “usually triggered by efforts to secure special benefits for particular property owners, without regard for the rights of adjacent landowners.”
- o Size of tract.
- o Compatibility with adopted plans.
- o The balance of benefits and detriments.
- o Relationship of uses.

Based on information from the School of Government and General Statutes, below are concerns regarding the request:

- A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called “illegal spot zoning.” *Id.* at 549, 187 S.E.2d at 45
- Illegal spot zoning can be involved when the proposed new zoning requirements for the small area are either more or less strict than those for the surrounding area. The key element is that the proposed zoning is different from the other zoning, “thus projecting an inharmonious land use pattern.” *Chrismon v. Guilford County*, 322 N.C. 611, 626, 370 S.E.2d 579, 588 (1988). *See also Dale v. Town of Columbus*, 101 N.C. App. 335, 399 S.E.2d 350 (1991).
- There are several uses allowed in a conventional MXR district that are not allowed in the existing AG district that may be incompatible; also, the MXR district allows for a substantial density increase over GB or AG zoned properties.
- There is no set specific minimum or maximum size of an area that constitutes illegal spot zoning. However, the smaller the tract, the more likely the rezoning will be held invalid. (David Owens, UNC School of Government, May 2014)

Based on the above information from the School of Government and General Statutes, below are some of the concerns:

- a. There is a very limited number of property owners involved. This request is for one parcel with one owner instead of multiple parcels added together to include a larger area.
- b. Approval would secure special benefits for the property owner that are not afforded to neighboring property owners. For example, the owner would be able to increase the density for the parcel that the surrounding GB and AG zoned properties could not.
- c. The parcel size of 11.7 acres (7.57 acres MXR). Generally, the smaller the tract, the more likely the rezoning will be held invalid.
- d. Land Use Plan Compatibility issues previously addressed in this staff report.
- e. Relationship of existing and future uses. Adjacent properties are zoned GB and AG, compatible uses and disproportionate density among these properties is a concern. This location may not be ideal for a transitional MXR zoning designation.

The Land Use Plan uses density to determine development patterns and the UDO implements the Land Use Plan by creating zoning options that make achieving gross density possible. Lot size, open space and infrastructure influence gross density. Location and parcel size of transitional zoning districts are important. Rezoning requests are opportunities to guide development patterns and address compatibility.

The conditional zoning process was established in 2007 to offer an option to promote orderly growth in the county by providing tools to help guide development to be in line with the community values recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. Since the adoption of the 2013 UDO, conventional rezoning approvals typically include properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts (these properties are typically rezoned to eliminate existing split zoning).

UDO

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

RECOMMENDATION

PLANNING STAFF

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

PLANNING BOARD

On February 9, 2021, the Planning Board recommended denial of the requested rezoning with a 4-1 vote.

Mr. Bass made a motion to deny PB 21-02 because the request is inconsistent with the 2006 Land Use Plan policies including Housing and Neighborhood Policies HN1, HN3 and HN9 and Commercial Development Policies CD1-5, CD6 and CD8.

It is not reasonable and not in the public interest because it does not provide for properly planned mixed use development adjacent to Caratoke Highway.

Mr. Doll seconded the motion to deny and the motion carried 4-1, with Chairman Balance voting nay.

CONSISTENCY AND REASONABLENESS STATEMENT

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

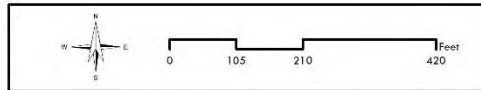
This conventional zoning request is inconsistent with the 2006 Land Use Plan because it is not consistent with the above referenced policies of the plan including Housing and Neighborhood Policies HN1, HN3 and HN9 and Commercial Development Policies CD1-5, CD6 and CD8.

It is not reasonable and not in the public interest because it does not provide for properly planned mixed use development adjacent to Caratoke Highway.

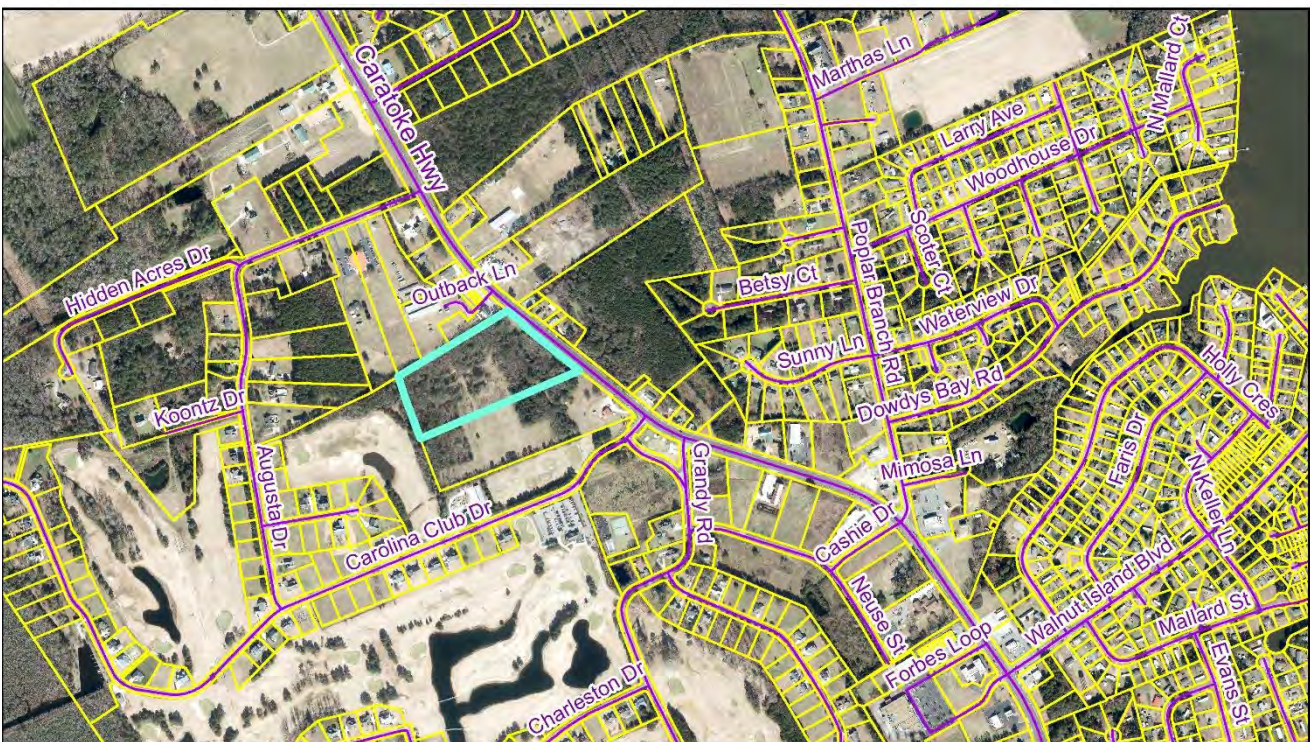
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



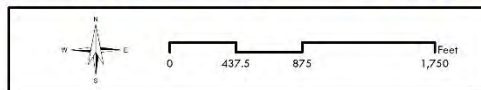
PB 21-02 Hutchinson
Rezoning
2020 Aerial Photography



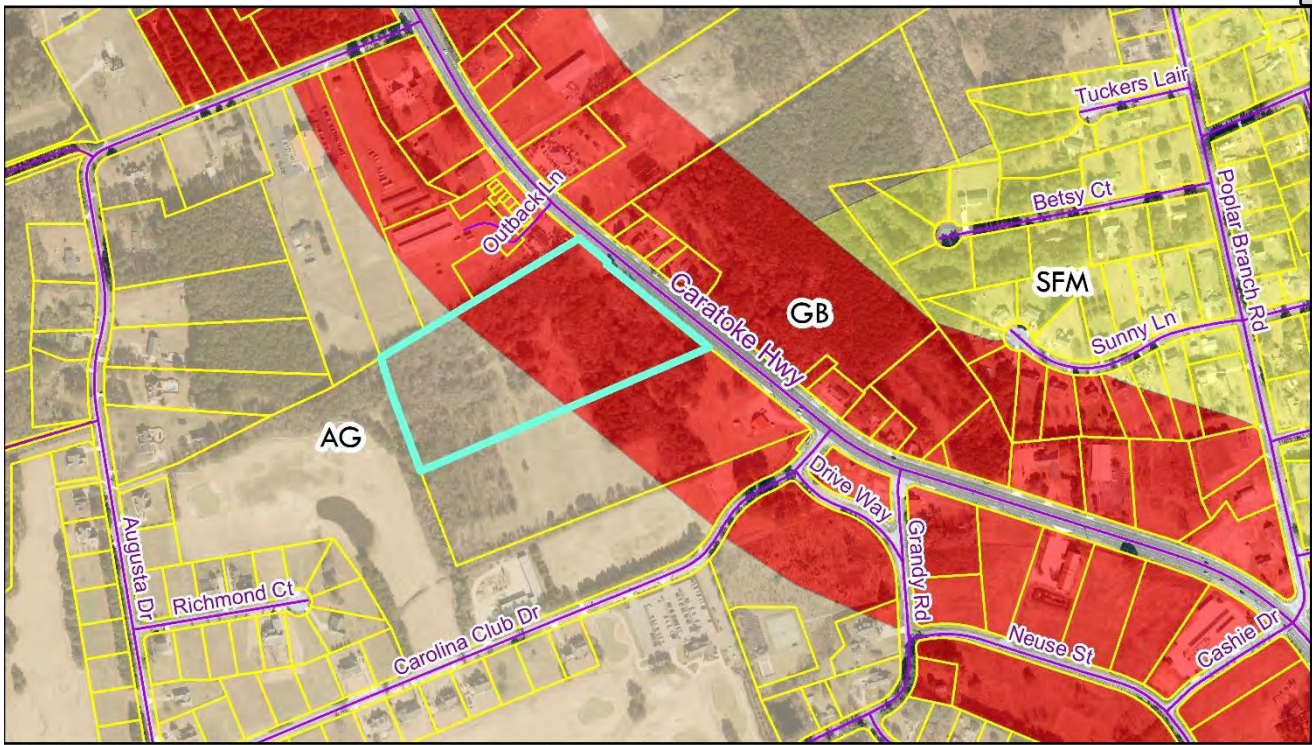
Currituck County
Planning and Community
Development



PB 21-02 Hutchinson
Rezoning
2020 Aerial Photography



Currituck County
Planning and Community
Development



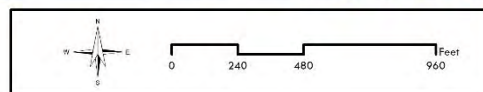
PB 21-02 Hutchinson
Rezoning
Official Zoning Map



Currituck County
Planning and Community
Development



PB 21-02 Hutchinson
Rezoning
2006 LUP Classification



Currituck County
Planning and Community
Development



Currituck County

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

MEMORANDUM

To: Don Williams, Mainstay Construction
 Jason Mizelle, Timmons Group

From: Planning Staff

Date: January 14, 2021

Re: PB 21-02 Hutchinson Rezoning

The following comments have been received for the January 13, 2021 TRC meeting. Your case will be scheduled for the February 9, 2021 Planning Board meeting. If you wish to provide responses to any comments prior to the Planning Board meeting, please do so by January 25, 2021. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jennie Turner, 252-232-6031

The application is incomplete.

Pursuant to UDO Section 2.3.4.A. Authority to File Applications, provide an application with all owner and contract purchaser signatures **or** provide a letter or document signed by the owners Jim & Phyllis Hutchinson consenting to the rezoning application.

This conventional rezoning request results in a substantial density increase and to ensure that the development will be a compatible, well-planned mixed-use development, it is staff's opinion that a conditional zoning application should be submitted and reviewed. Staff will not support a conventional rezoning of this property from AG/GB to MXR. The Land Use Plan states that mixed use developments should be properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses. This request does not ensure that the result of development of this parcel will be compatible development. The intent of the MXR Zoning District is to provide moderate-cost housing options for county residents within well-designed neighborhoods and developments that incorporate open space resources and may also include limited non-residential uses proximate to housing.

The conditional zoning process was established in 2007 to offer an option to promote orderly growth in the county by providing tools to help guide development to be in line with the community values recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. Since the adoption of the 2013 UDO, conventional rezoning approvals typically include properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts.

Attachment: TRC comments (PB 21-02 Hutchinson Rezoning)

There is concern that this rezoning could be considered spot zoning. Based on information from the School of Government and General Statutes, below are some of the concerns:

- a. There is a very limited number of property owners involved. This request is for one parcel with one owner instead of multiple parcels added together to include a larger area.
- b. Approval would secure special benefits for the property owner that are not afforded to neighboring property owners. For example, the owner would be able to increase the density for the parcel that the surrounding GB and AG zoned properties could not do.
- c. The parcel size of 11.7 acres (7.57 acres MXR). Generally, the smaller the tract, the more likely the rezoning will be held invalid.
- d. Land Use Plan Compatibility.

The property is designated Full Service within the Grandy Subarea. The following Land Use Plan policies speak to properly planned, compatible mixed-use development.

1. POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
 2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
2. POLICY HN9: Proposed residential development that would expose residents to the harmful effects of INCOMPATIBLE LAND USES or to ENVIRONMENTAL HAZARDS shall be prohibited. This would include, for example, residential development in locations adversely impacted by proximity to the airport or to activities involving excessive noise, light, odors, dust, fertilizers and insecticides (e.g. certain farm operations, mining activities, etc.).
3. POLICY CD8: MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

Staff recommends the applicant submit a conditional zoning application with a conceptual plan. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains the community values and consistency with the officially adopted plans.

Currituck Soil and Stormwater, Dylan Lloyd

No Comment

Currituck County Utilities, Will Rumsey & Dave Spence

Reviewed

Currituck County GIS, Harry Lee

Reviewed

NONE

Currituck County Building Inspections, Bill Newns

Reviewed

Currituck County Parks and Recreation, Jason Weeks

No Comment

Currituck County Economic Development, Larry Lombardi, 252-232-6015

No Comment

Reviewed

NC Division of Coastal Management, Charlan Owens

No Comment

Albemarle Regional Health Services, Joe Hobbs

Reviewed

Have developer consult with Kevin Carver R.S. (252-232-6603) concerning septic system approval for each lot that makes up this proposed development.

Attachment: TRC comments (PB 21-02 Hutchinson Rezoning)



Zoning Map Amendment Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

Name: Mainstay Construction, Inc.
 Address: PO Box 429
Moyock, NC 27958
 Telephone: 252-202-0741
 E-Mail Address: cmainstay@aol.com

PROPERTY OWNER:

Name: Phyllis C. Hutchinson
 Address: PO Box 75
Grandy, NC 27939
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Purchaser

Property Information

Physical Street Address: (Between 6334 & 6370) Caratoke Highway, Grandy, NC
 Location: West side of Caratoke Highway, 840 feet north of Carolina Club Drive
 Parcel Identification Number(s): 0094000113A0000
 Total Parcel(s) Acreage: 11.27
 Existing Land Use of Property: Vacant

Request

Current Zoning of Property: GB & AG Proposed Zoning District: GB & MXR
 Total Acreage for Rezoning: 11.27 Are you rezoning the entire parcel(s): Yes ☒ No ☐
 Metes and Bounds Description Provided: ☒ Yes ☐ No

Community Meeting, if Applicable

Date Meeting Held: 12-14-2020 Meeting Location: Mt. Zion Meth. Church

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

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

[Signature]
 Property Owner(s)/Applicant*

12-14-2020

Date

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

Zoning Map Amendment Design Standards and Submittal Checklist

The table below depicts the design standards of the site plan or map for a zoning map amendment application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

Zoning Map Amendment

Site Plan Design Standards and Submittal Checklist

Date Received: _____

Project Name: _____

Applicant Property Owner: _____

Site Plan or Map Design Standards Checklist		
1	Lot/parcel dimensions.	
2	Zoning designation.	
3	All existing physical features (structures, buildings, streets, roads, etc.).	
4	Location and dimensions of any proposed construction.	

Zoning Map Amendment 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.

Zoning Map Amendment Submittal Checklist		
1	Complete zoning map amendment application	
2	Application fee (\$200 plus \$5 for each acre or part thereof)	
3	Community meeting written summary, if applicable	
4	Site plan or map	
5	Metes and bounds survey, if applicable	
6	2 copies of plans or maps	
7	2 hard copies of ALL documents	
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

For Staff Only

Pre-application Conference

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

Comments



1805 West City Drive
Unit E
Elizabeth City, NC 27909

P 252.621.5030
F 252.562.6974
www.timmons.com

COMMUNITY MEETING REPORT FOR AVERY FAMILY TURST

Project: Rezoning 11.27-Acres on Caratoke Hwy., Grandy
Facilitator: Jason Mizelle – Timmons Group
Date & Time: December 14, 2020 @ 6:00 PM
Location: Mt. Zion United Methodist Church, Grandy, NC

In preparation for the Community Meeting, twenty-seven notices were mailed out notifying the adjoining property owners & the County Staff about the meeting. Two residents, Robert Atkinson (195 Augusta Dr.) and Daryl Hood (173 Carolina Club Dr.) were in attendance. Mr. Hood is the current President of the Carolina Club HOA and was there on the community behalf. Also, in attendance were Matt Kirkendall of the Currituck County Planning Department, as well as Jason Mizelle of Timmons Group.

I opened the meeting with an explanation of the rezoning process and what specifically the applicants were looking to do with the property, if approved. I reviewed that the applicant was electing to seek the MXR zoning for the rear portion of the parcel to provide for the best use of that area as a transition zone between the General Business at the highway and the Residential Community to the west.

It was further conveyed that the applicant's intentions are to ultimately seek a single family subdivision in the MXR portion of the parcel, but with changing markets, that keeping an option for potential business uses allowed under the MXR zone was desirable as well to ensure the highest and best use of the property.

The most concerning question was regarding multi-family. It was explained that multi-family & townhomes required specific Conditional Zoning and are not allowed under the general MXR zoning classification. A review of the allowed uses for MXR were shared with those in attendance.

Other items discussed were in relation drainage. Mr. Kirkendall updated the group on the pending text amendment to increase the storm water storage requirements. Given the timing of that text amendment and this project, if the text amendment passes, then any residential development on this parcel would be subject to those rules. The meeting was concluded at 7:45 pm as there were no further questions or discussion.

Prior to the Community Meeting, we did have two other inquiries via phone calls. Keith Hall, who manages the Carolina Club golf course called on Dec. 7th to inquire about the proposed intended uses. Mr. Hall had a positive response to the potential for some housing there but did share concerns over screening/buffering the houses from the adjacent driving range from a safety perspective. He was eager to speak to the applicant as they move into the design phase of a project.

Mr. Harold Petrey called on Dec. 14th, to get more information about the rezoning and intended use. He stated to the applicant that he was not opposed to the rezoning.

Respectfully submitted,

Jason A. Mizelle, PLS

Cc Currituck County Planning

Attachment: Application (PB 21-02 Hutchinson Rezoning)



Currituck County Community Meeting

Grandy Cottages

December 14, 2020

6:00PM

Packet Pg. 134

c/o Don Williams
Mainstay Construction, Inc.
PO Box 429
Moyock, NC 27958

Robert & Teresa Atkinson
195 Augusta Dr.
Grandy, NC 27939

Christopher Ayers
411 Lambs Road
Camden, NC 27921

Berry and Galvin, Inc
PO Box 1039
Grandy, NC 27939

Patricia Berry
PO Box 740
Grandy, NC 27939

Chad Brooks
157 Shell Dr.
Grandy, NC 27939

Beverly Brown
PO Box 191
Grandy, NC 27939

Carolina Club of NC, LLC.
308 Pointe Golf Club Dr.
Powells Point, NC 27966

Currituck Bible Baptist Church
6470 Caratoke Hwy
Grandy, NC 27939

ATTN: Laurie LoCicero
Currituck County Planning Dept.
153 Courthouse Rd, Suite 110
Currituck, NC 27929

James Curry & Susan Donahue
9601 Lake Mist Ct
Fairfax Station, VA 22039

Daniel & Paula Dolan
111 Richmond Ct
Grandy, NC 27939

Karen Etheridge
PO Box 296
Powells Point, NC 27966

Julian Evans
6347 Caratoke Hwy
Grandy, NC 27939

Grandy Assembly of God, Inc.
PO Box 795
Grandy, NC 27939

Tommy Grandy & Thomas Grandy
PO Box 215
Grandy, NC 27939

Clayton & Rebecca Howard
2854-A Caratoke Hwy
Currituck, NC 27929

Phyllis Hutchinson
PO Box 75
Grandy, NC 27939

Lazy Days Estates Partnership
310 Waterlily Road
Coinjock, NC 27923

Lower Currituck V.F.D., Inc.
PO Box 207
Grandy, NC 27939

Outback Storage, Inc.
c/o Pat Berry
PO Box 1039
Grandy, NC 27939

Brandon Pond
6316 Caratoke Hwy
Grandy, NC 27939

Solo Ventures, LLC
270 Jarvisburg Rd
Jarvisburg, NC 27947

Richard White
PO Box 1673
Elizabeth City, NC 27906

Megan & James Wilaby
6357 Caratoke Hwy
Grandy, NC 27939

Robert & Tiffany Woodhouse
144 Charleston Dr.
Grandy, NC 27939

Gary & Debra Zimmerman
243 Neck Rd
Shiloh, NC 27974



1805 West City Drive
Unit E
Elizabeth City, NC 27909

P 252.621.5030
F 252.562.6974
www.timmons.com

December 1, 2020

RE: Community Meeting Regarding Proposed Rezoning

To Whom It May Concern:

This notice is being sent to you and all land owners adjacent and/or near to a parcel of land proposed for rezoning as required by the Unified Development Ordinance of Currituck County, NC. The applicant is requesting to shift the General Business zoning line toward the highway and rezone the rear of the property from Agriculture to Mixed Residential. Keeping the community in mind, a "community meeting" has been planned to give an opportunity for neighbors to ask questions and to resolve any concerns prior to the application package going to hearings before the Currituck County Planning Board and Board of Commissioners. A report of the meeting's content will be prepared and submitted to the County. A representative(s) of Currituck County will be invited to this meeting.

Attached is a sketch that outlines the existing and proposed zone areas.

The community meeting will be held on Monday, December 14, 2020 at 6:00 P.M. at the Mt. Zion United Methodist Church located at 6480 Caratoke Highway, Grandy, North Carolina 27939.

Should any change in meeting date, time, or location occur before this scheduled date you will be re-notified as to the new date, time, and place of meeting.

If you have any questions or are unable to attend the meeting and would like to discuss the project prior to the meeting, please do not hesitate to call our office at (252) 621-5030.

Sincerely,

Jason Mizelle, PLS

Cc: file

Mainstay Construction, Inc.

Currituck County Planning Department

Attachment: Application (PB 21-02 Hutchinson Rezoning)



1805 West City Drive
Unit E
Elizabeth City, NC 27909

P 252.621.5030
F 252.562.6974
www.timmons.com

Exhibit Map

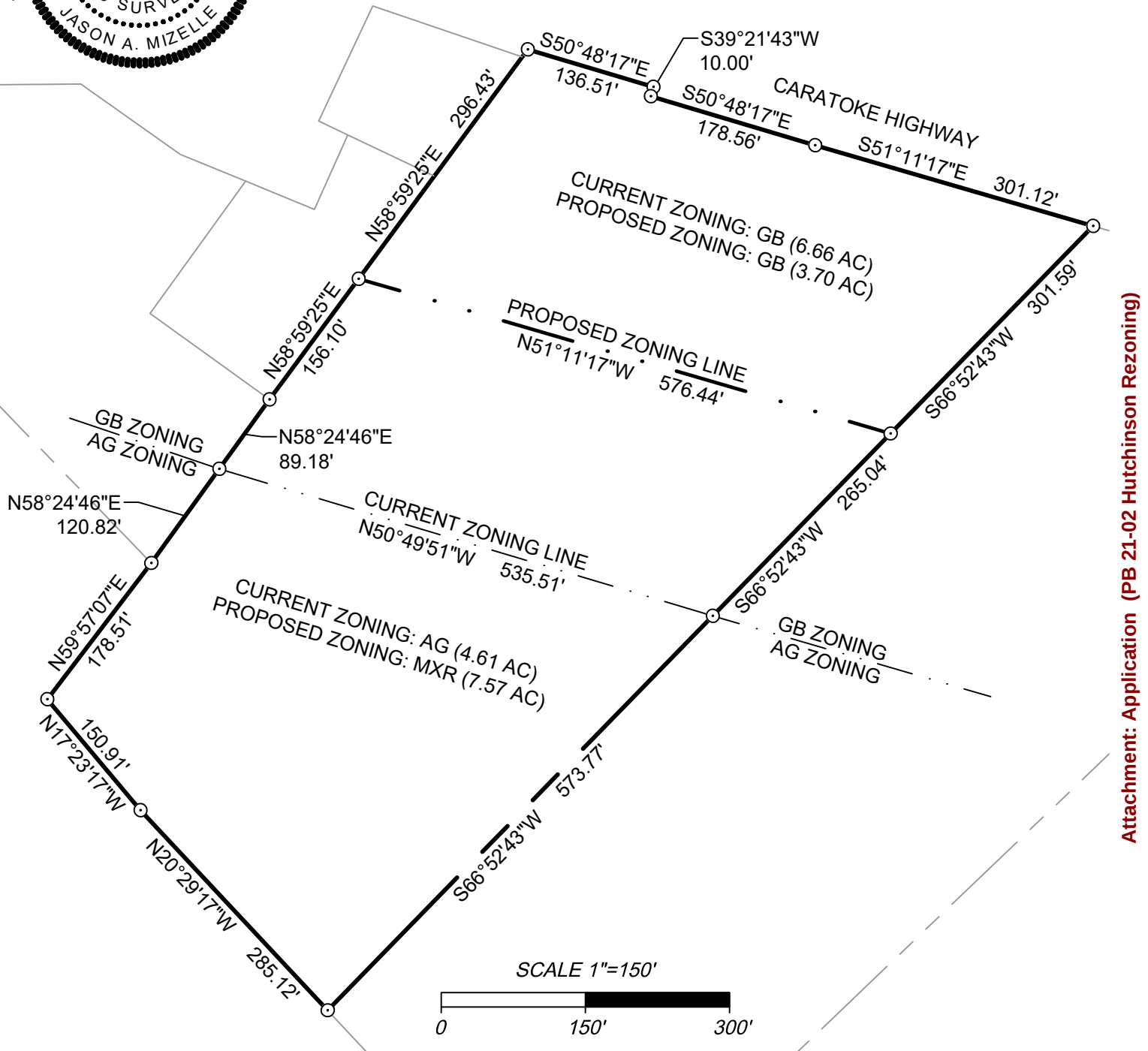


Attachment: Application (PB 21-02 Hutchinson Rezoning)



THIS MAP IS FOR PRESENTATION PURPOSES ONLY AND IS NOT A FORMAL BOUNDARY SURVEY. SEE RECORDED REFERENCES.

ZONING EXHIBIT
PIN# 0094000113A0000
PARCEL A, P.C. M, SLD. 59
D.B. 1193, PG. 324



Attachment: Application (PB 21-02 Hutchinson Rezoning)

THIS DRAWING PREPARED AT THE
ELIZABETH CITY OFFICE

1805 West City Drive, Unit E | Elizabeth City, NC 27909
 TEL 252.621.5030 FAX 252.562.6974 www.timmons.com
 North Carolina License No C-1652

YOUR VISION ACHIEVED THROUGH OURS.

Poplar Branch Twsp.

Date: Dec. 15, 2020

Sheet 1 of 1

Drawn by: J. Mizelle

Currituck County

Scale: 1"=###'

J.N.: 46184

Checked by: J. Mizelle

TIMMONS GROUP



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3034

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

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jennie Turner

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance, Sections 6.2.3 and 7.3.4 to prohibit on-site wastewater systems in utility and drainage maintenance access easements on individual lots and to clarify that maintenance access drainage easements must be dedicated to the county.

Planning Board Recommendation:

Staff Recommendation: Approval

TRC Recommendation: Approval



Currituck County

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

To: Planning Board

From: Planning Staff

Date: February 4, 2021

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

Request

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

Background

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

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

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

The second part of the text amendment clarifies that, on new projects, easements established along major drainage features will be conveyed to Currituck County. Major drainage features include the following conveyances: Hog Bridge Ditch, Guinea Mill, Upper Guinea Mill, Lateral "A", Lateral "B", Lateral "C", Haywood Ditch, Rowland Creek Canal, Eagle Creek Canal (also known as Western Canal) and Shingle Landing Creek Canal. The purpose of these easements is to preserve access for the county to maintain these drainage features associated with an existing or future stormwater drainage district and to provide a dedicated point of access from an improved roadway.

Text Amendment Review Standards

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

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

Staff Recommendation

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

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

1. POLICY WQ6: Currituck County supports the retention or preservation of VEGETATED BUFFERS along the edge of drainage ways, streams and other components of the estuarine system as an effective, low cost means of protecting water quality.
2. POLICY WQ8: Currituck County shall support the development and maintenance of a countywide COMPREHENSIVE DRAINAGE AND FLOOD MANAGEMENT PLAN, including public and private actions in support of plan implementation. Currituck County shall support County, NCDOT and property owner cooperation in preventing and resolving stormwater problems.
3. POLICY WS6: Currituck County endorses the proper use and maintenance of APPROVED SEPTIC SYSTEMS in suitable soils as an environmentally acceptable means of treating and dispersing waste from low-density development.
4. POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments.

The request is reasonable and in the public interest because:

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



STAFF REPORT PB20-16 CURRITUCK COUNTY UTILITY & DRAINAGE EASEMENTS TEXT AMENDMENT PLANNING BOARD FEBRUARY 9, 2021

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

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

Item 1: That Chapter 6 is amended by adding the following underlined language:

6.2.3. Utility Standards

B. Utility Easements

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

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

7.3.4. Stormwater Management Standards

B. Drainage Requirements

(10) Development subject to these standards shall provide maintenance access drainage easements and point of entry to the county in accordance with ~~Section 6.2.3.B, Utility Easements~~ and the following standards:

(a) Easements shall be provided along at least one side of waterway conveyance systems that drain more than five acres provided it is not part of a state permitted and functional stormwater management system. The easement shall include the conveyance and an additional twenty-five feet measured from the top of embankment.

(b) Easements shall be provided along both sides of the following waterway conveyance systems:

- (i) Hog Bridge Ditch;
- (ii) Guinea Mill;
- (iii) Upper Guinea Mill;
- (iv) Lateral "A";
- (v) Lateral "B";
- (vi) Lateral "C";
- (vii) Haywood Ditch;
- (viii) Rowland Creek Canal;
- (ix) Eagle Creek Canal (also known as Western Canal); and
- (x) Shingle Landing Creek Canal.

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

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

Item 3: Statement of Consistency and Reasonableness:

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

1. POLICY WQ6: Currituck County supports the retention or preservation of VEGETATED BUFFERS along the edge of drainage ways, streams and other components of the estuarine system as an effective, low cost means of protecting water quality.

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

The request is reasonable and in the public interest because:

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

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

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

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

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

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS

ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____

BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Text Amendment Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

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

Request

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

Amend Chapter(s) 6 & 7

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

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

easements on individual lots.

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

*Request may be attached on separate paper if needed.

Bm M

Petitioner

9/23/20
Date

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

6.2.3 Utility Standards

B. Utility Easements

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

7.3.4 Stormwater Management Standards

B. Drainage Requirements

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

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

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

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



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3039

Agenda Item Title: PB 21-01 Currituck County Multi-Family Townhouse Stormwater Text Amendment:

Submitted By: Matthew Kirkendall – Planning & Community Development

Item Type:

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance, Chapter 7, Section 7.3.4(B)2 to exempt Type I subdivision of multi-family townhouse developments from the stormwater retention requirements for a 24-hour storm with a 10 year recurrence interval.

Planning Board Recommendation: Approval

Staff Recommendation: Approval

TRC Recommendation:



Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: February 15, 2021

Subject: PB 21-01 Currituck County Multi-Family Townhouse Stormwater Text Amendment

At the direction of the Board of Commissioners, staff was asked to revise section 7.3.4.B.2 of the Unified Development Ordinance.

The proposed text amendment will amend the stormwater requirements for Type I Major Subdivision of a multi-family townhouse development. A major subdivision is any subdivision of land into more than three lots and major infrastructure is installed. A type I is a subdivision with twenty or less lots, a type II major subdivision contains twenty-one or more lots.

The current UDO language requires major subdivision stormwater infrastructure be designed to handle a ten year twenty-four hour rain event. All other development must be designed to handle a five year twenty-four hour rain event. This amendment would allow a twenty lot or less subdivision of a multi-family townhouse development to meet the stormwater standards of commercial development.

Text Amendment Review Standards

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

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

Staff Recommendation

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

Land Use Plan Policies:

POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards. (See Transportation Policies for details concerning requirements for paved roads.)

POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed pre-development volumes.

It is reasonable and in the public interest because the text amendment provides flexibility for the design of multi-family townhouse development.

Planning Board Recommendation

On February 9, 2021, the Planning Board recommended approval of the requested text amendment as presented with a 5-0 unanimous vote.

Motion

Mr. Bass moved to approve PB 21-01 because the request is consistent with the goals, objectives, and policies of the Land Use Plan including:

- POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards. (See Transportation Policies for details concerning requirements for paved roads.)
- POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed predevelopment volumes.

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

- It is consistent with policies within the Land Use Plan;
- It provides flexibility for the design for multi-family development subdivisions.

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



**PB21-01 CURRITUCK COUNTY
MULTI-FAMILY TOWNHOUSE
STORMWATER TEXT AMENDMENT
BOARD OF COMMISSIONERS
MARCH 1, 2021**

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

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

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

7.3 STORMWATER MANAGEMENT

7.3.4. Stormwater Management Standards

B. Stormwater Detention Requirements

- (2) Major subdivision, with the exception of a Type 1 subdivision of multi-family townhouse development, subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 10-year recurrence interval down to the predevelopment discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development from a wooded site.

Item 2: Statement of Consistency and Reasonableness:

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

Section 5.2 of the Land Use Plan encourages the development of affordable housing by amending the Unified Development Ordinance by offering flexibility.

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

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

 Board of Commissioners' Chairman
 Attest:

 Leeann Walton
 Clerk to the Board

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

PLANNING BOARD DATE: 2/9/21
 PLANNING BOARD RECOMMENDATION: Approved
 VOTE: 5AYES : 0NAYS
 ADVERTISEMENT DATE OF PUBLIC HEARING: 2/17/21 & 2/24/21
 BOARD OF COMMISSIONERS PUBLIC HEARING: _____
 BOARD OF COMMISSIONERS ACTION: _____
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
 AMENDMENT NUMBER: _____



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: PB 21-01
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: Currituck County
 Address: 153 Courthouse Rd
Currituck, NC
 Telephone: 252-232-6000
 E-Mail Address: ben.stikeleather@currituckcountync.gov

Request

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

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

Major subdivisions, with the exception of Type I multi-family subdivisions,
 subject to these standards shall implement adequate stormwater practices
 to reduce the post-development peak discharge from the 24-hour storm event with a
 10-year recurrence interval down to the predevelopment discharge rate from the
 24-hour storm event with a 2-year recurrence interval based on pre-development
 from a wooded site.

*Request may be attached on separate paper if needed.

A handwritten signature in blue ink, appearing to read "Ben Stikeleather".

Petitioner

12-16-20

Date