



Major Subdivision Application

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

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>Moyock Development, LLC</u>	Name: <u>Same</u>
Address: <u>417-D Caratoke Hwy.</u>	Address: _____
<u>Moyock, NC 27958</u>	_____
Telephone: <u>252-435-2718</u>	Telephone: _____
E-Mail Address: <u>jold@qhoc.com</u>	E-Mail Address: _____
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>Same</u>	

Request

Physical Street Address: Caratoke Hwy.

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

Subdivision Name: Fost Development

Number of Lots or Units: 301 Phase: _____

TYPE OF SUBMITTAL

- Conservation and Development Plan
- Amended Sketch Plan/Use Permit
- Preliminary Plat (or amended)
 - Type I OR Type II
- Construction Drawings (or amended)
- Final Plat (or amended)

TYPE OF SUBDIVISION

- Traditional Development
- Conservation Subdivision
- Planned Unit Development
- Planned Development

I hereby authorize county officials to enter my property for purposes of determining compliance with all applicable standards. All information submitted and required as part of this process shall become public record.

[Signature]
Property Owner(s)/Applicant*

11/21/21
Date

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

Community Meeting, if applicable

Date Meeting Held: _____ Meeting Location: _____

Use Permit Review Standards, If applicable

PUD Amended Sketch Plan/Use Permit, Type II Preliminary Plat

Purpose of Use Permit and Project Narrative (please provide on additional paper if needed): _____

See Attachment 1

The applicant shall provide a response to each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

A. The use will not endanger the public health or safety.

See attachment A

B. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

See attachment B

C. The use will be in conformity with the Land Use Plan or other officially adopted plan.

See attachment C

D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

See attachment D

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.

Property Owner(s)/Applicant*

Date

*NO 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.

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Revised 7/1/2019

ATTACHMENT 1

Purpose of the Use Permit and Project Narrative

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

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

- Several different housing types are proposed, including traditional rear load traditional neighborhood development style townhomes, TND style homes with rear loaded driveways and garages, and more conventional frontloaded single family development lots.
- The Community will be pedestrian friendly, with open spaces and greenways strategically located throughout the community, and with a combination of sidewalks, multi-use paths/cart paths, a village green and a clubhouse with large outdoor recreation areas.
- The mixing of housing styles will also provide a mix of lot sizes, densities and streetscapes.
- The development is sensitive to existing wetlands, which have been delineated and confirmed by the Corps of Engineers; buffers have been shown and are being honored, existing drainage ways are being maintained and improved. Lower areas that are more flood prone are being set aside as open space, some of which will be used for the construction of lakes and ponds for the management of stormwater.

ATTACHMENT "A"

The use will not endanger the public health or safety.

Transportation, portable water, wastewater and stormwater management will be addressed in accordance with the following paragraphs:

1. Transportation: The main subdivision entrance will be connected directly to NC 168 (Croatan Highway). Deceleration and acceleration lanes will be provided in accordance with NCDOT Standards and have been approved by NCDOT. Connectivity will be provided to the existing farmland to the southeast (Moyock Farms) and to the west.

Roadways have been laid out generally as shown on the Master Plan and will be in accordance with the approved right-of-way and pavement width characteristics, using the NCDOT complete streets planning manual as a guide.

Appropriate access has been made for emergency service vehicles in accordance with applicable standards including the N.C. Fire Code.

2. Potable Water: Water will be supplied by Currituck County via an existing 12" main located on Caratoke Highway, which will be tapped and looped through the site. Fire protection will be provided in accordance with UDO Standards and the applicable ISO standards. The water system will be modeled to demonstrate adequate flow and pressure for fighting fires while meeting the maximum day domestic demand.
3. Wastewater: Centralized wastewater treatment and disposal facility will be provided in accordance with North Carolina Standards and approved by NCDEQ and/or NCDHHS. 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.
4. Stormwater Management: A major drainage way known as Rowland Creek Canal runs through the development property. Due to the importance of this drainage feature not only to the development but to other properties located both upstream and downstream of this property, the Developer has committed to cleaning and laying back the slopes and stabilizing the portion of Rowland Creek that runs from Eagle Creek to the railroad next to NC 168. The Developer has also committed to improving the common property line ditch along Ranchland and the Auction property, and to excavate a new ditch that would be available to Ranchland along the common property line from the Auction site to south of the power easement. The Developer will also improve the sections of Rowland Creek downstream of the Fost property that require maintenance.

On-site stormwater will be managed by constructing a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater to existing outlets. In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard of the difference between runoff from the 10-year developed condition and runoff from a 2-year wooded condition site, stormwater will be modeled for the 100-year storm without adversely impacting neighboring properties. Implementation of this plan should improve drainage for neighboring properties compared to existing conditions.

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

ATTACHMENT "B"

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.

Land use to the west is agricultural, with one dwelling unit located approximately 435 feet from the nearest property line and approximately 565 feet from the nearest structure. Land use to the north, across the railroad and Croatan Highway is commercial, land to the east is farmland and residential lots, and land to the south is residential lots. Perimeter compatibility is being addressed as follows:

- a. To the west: A 50 foot farm buffer is being provided, followed by a 60 foot roadway corridor, so the nearest dwelling unit will be at least 565 feet from the existing residence on that farm. A vegetative buffer is also being provided along that property line.
- b. To the north (Croatan Highway): A berm is being provided along the highway along with lakes flanking the main entrance road. The nearest dwelling unit will be set back at least 175 feet from the highway right-of-way at the closest point. The visual impact of the development will be minimized by setbacks, berms and landscaping.
- c. To the east: A 50 foot vegetative farm buffer is being provided along the existing farmland; traditional single family dwelling lots are being proposed in the areas tat back up to existing dwelling units in the adjacent Ranchland subdivision. Even though the dwelling types are believed to be compatible, a minimum 50 foot buffer is being provided between the developments.
- d. To the south: Compatible residential development is being proposed and a minimum 90 foot open space buffer is shown to the property line.
- e. Limited commercial development is proposed to be located interior to the development and will front along the landscaped entrance boulevard.

Lot size ratios and density ratios are comparable to other developments that have been approved in the immediate area and in other parts of Moyock.

The applicant is not aware of any adverse impacts on land value in the surrounding area. The applicant anticipates that its proposed stormwater improvements may benefit the property values of the nearby Ranchland community. The Development is anticipated to **increase** the values of nearby properties by improving existing drainage problems.

The site is adjacent to non-agricultural activities including the Ranchland neighborhood to the south and southeast, and commercial and residential uses to the east. The site is also in close proximity to the Eagle Creek neighborhood. The proposed use is compatible with these adjacent uses and furthers the County's goal of concentrating new residential development in the vicinity of existing residential development. Nearby communities include existing planned communities of 588 lots to the west, a 275

lot subdivision to the east and 426 lots under development to the north of Caratoke Highway, all in the vicinity of the Fost tract. The development is appropriate for the location as it continues existing development patterns in this part of Moyock. Lot area ratios and density ratios are consistent with other developments that have been approved recently nearby and in other parts of Moyock.

ATTACHMENT "C"

The use is consistent with the goals, objectives, and policies of the Land Use Plan or other applicable county-adopted plans:

A. **The use is consistent with the following policies of the Currituck County Land Use Plan ("LUP"):** The project is consistent with the Land Use Plan policies addressing density, recreational and open space, transportation infrastructure, and utilities:

i. **Density:** The project is located within the Full Service Area of the Land Use Plan, and proposes a density of 2.1 units per acre. The proposed use will include residential development in village like-clusters and will include open spaces surrounding the clusters, helping to prevent traditional suburban sprawl. The applicant is proposing centralized sewer, and the Full Service Area designation recognizes higher density (above 2 units per acre) is appropriate here. The proposed use will not interfere with nearby resource production activities. This is consistent with the County's density designations because development is occurring along Caratoke Highway, a major transportation corridor, and is an infill site between two existing residential subdivisions but with its own access to Hwy 168. This is consistent with the following Land Use Plan policies:

POLICY AG6: For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes. LUP, p. 9-7.

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.... LUP, p. 9-7.

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl...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. LUP, p. 9-7.

ii. **Utilities:**

Stormwater: The applicant is aware of stormwater drainage issues in the surrounding properties and has conducted a stormwater study to investigate causes in Rowland Creek, upstream and

downstream from the property. That study has shown significant restrictions to flow on both on- and off-site properties, which the applicant is willing to remove and restore with the off-site landowners' consent. The applicant is also placing significant drainage facilities on site to collect and control its own water. Where adjacent landowners are unwilling to allow the applicant to remove off-site obstructions, the applicant is willing to provide a additional stormwater storage on site to minimize flooding. The applicant plans to model the 100-year storm event and to manage stormwater runoff from that event. These commitments will provide a public benefit to the County by improving existing drainage problems with private funds, and providing a responsible mechanism for the site and surrounding areas to drain.

Wastewater: The applicant is proposing to connect to an off-site wastewater treatment and disposal facility. This will give the existing system new funds for upgrades, repair, and maintenance. Thus, the development will have a positive impact on sewer facilities and will not strain the County's infrastructure, consistent with the Full Service Area designation which anticipates additional density on this site. The applicant is also setting aside land to receive effluent and/or groundwater from the off-site facility.

This is consistent with the following Land Use Plan policies:

POLICY WS7: *Currituck County allows for the appropriate use of PACKAGE SEWAGE TREATMENT PLANTS as a means of achieving more efficient land use, while properly disposing of waste. Such systems shall have a permanent organizational ownership to guarantee their proper management, including operation, maintenance and replacement needs. Depending on their location in the county, such systems may be required to have a design that allows for assimilation into a centralized system at a future date.* LUP, p. 9-13.

POLICY WQ3: *Currituck County supports policies, plans and actions that help protect the water quality of the county's estuarine system by preventing SOIL EROSION AND SEDIMENTATION, and by controlling the quantity and quality of STORMWATER RUNOFF entering the estuary.* LUP, p. 9-17.

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.* LUP, p. 9-17.

iii. Recreational and Open Space: The project will provide for sidewalks, greenways, and walking trails to encourage mobility by pedestrians and bicyclists. It also preserves a significant amount of open space and natural features throughout to promote recreation and preserve natural areas. This is consistent with the following Land Use Plan policies:

POLICY TR9: *BIKEWAY FACILITIES shall be encouraged as energy-efficient, healthful, and environmentally sound alternatives to the automobile. The inclusion of bikeways, sidewalks, trails, and other alternatives to the automobile shall be encouraged in both public and private developments.* LUP, p. 9-11.

POLICY PR4: *The County shall seek to identify, plan for and develop a system of OPEN SPACE GREENWAYS, HIKING and BIKING TRAILS as opportunities may allow. The use of (1) natural corridors such*

as streams and floodplains, and (2) man-made corridors such as utility and transportation rights-of-way and easements, shall be emphasized. LUP, p. 9-14.

POLICY PR6: All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development. The amount of open space and improvements may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development. Fees in lieu of land dedication shall be based on the inflation adjusted assessed value of the development or subdivision for property tax purposes. LUP, p. 9-14.

iv. Transportation infrastructure: As set forth in the master plan, the project will provide for paved public roadways and drainage infrastructure, and will include convenient circulation within the proposed neighborhood. The project will seek to preserve existing buffering along NC 168 where feasible. The project will have direct access to and frontage on NC 168, and will not include access to higher intensity development through an area of lower intensity development. This is consistent with the following Land Use Plan policies:

POLICY TR12: New residential developments shall provide for the installation of PAVED PUBLIC ROADWAY AND DRAINAGE INFRASTRUCTURE at the time of development. This policy is intended to prevent the creation of substandard developments that must later correct for infrastructure problems that could have been avoided, had they been installed properly from the beginning.... LUP, p. 9-11.

POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation. LUP, p. 9-19.

POLICY TR11: ACCESS TO HIGHER INTENSITY DEVELOPMENT shall generally not be permitted through an area of lower intensity development. For example, access to a multi-family development, a major park facility or other large traffic generator shall not be permitted through a local street serving a single-family residential neighborhood. LUP, p. 9-11.

POLICY TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists. Care shall be taken to encourage local street "connectivity" without creating opportunities for cut-through traffic from outside the connected areas. LUP, p. 9-11.

B. The proposed use is consistent with the following provisions of the Moyock Area Policy Emphasis of the Land Use Plan:

Moyock Area Policy Emphasis: The policy emphasis of this plan is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should

be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

Clustered housing developments, with open space required by ordinance, will need to be encouraged. If sewage treatment collection systems are built, whether publicly or privately, all such systems should be designed so as to allow them to be tied together into a single system at some point in the future. LUP, p. 11-4.

The proposed use will include clustered housing accompanied by open spaces. The applicant is proposing onsite privately developed sewer to avoid strain on County infrastructure. The site is eligible for County sewer and central sewer is existing in the area. Because the wastewater system will be a central sewer system, and the 2.1 units/acre is below the 3-4 units per acre allowed where central sewer is available, the proposed use is consistent with the Moyock Area Policy Emphasis.

C. The proposed use is consistent with the Future Land Use Map.

The Currituck County Future Land Use Map designates the site as a Full Service area. In Full Service areas, residential density can be increased to 3-4 units per acre depending on the available services. A greater diversity in housing types is also appropriate in Full Service Areas. The proposed use will have 2.1 units per acre, which is within the contemplated development densities from Section 3.7.3 of the UDO for PD-R districts (up to three units per acre). The proposed use will also include a diversity in housing types, including townhomes, cottage style single-family lots and traditional single family lots.

D. The proposed use is consistent with the following policies and action items of the Moyock Area Small Area Plan ("SAP"):

The proposed use will include open spaces, sidewalks, greenways, and walking trails to for recreational purposes, and a clubhouse for community gathering. The plan will provide for connections to Ranchland, as appropriate. The applicant is studying the existing stormwater drainage issues and will ensure that the project improves these issues.

POLICY TR 2: *Ensure that development is designed with an interconnected, multi-modal transportation network between neighborhoods, activity centers, and other destinations to improve mobility and emergency access. Development of an interconnected road network east and west of Highway 16 that allows north-south movement for local residential traffic is strongly encouraged. SAP, p. 16.*

POLICY IS 1: *The costs of infrastructure, facilities, and services related to new growth and development should be borne primarily by those creating the demand. SAP, p. 17.*

POLICY IS 4: *Ensure that stormwater runoff, soil erosion, and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas. SAP, p. 17.*

POLICY IS 5: *Encourage retrofitting of NCDOT drainage infrastructure to manage nuisance flooding. SAP, p. 18.*

ACTION IS 5A: *Coordinate with NCDOT to develop a plan of action for addressing ... Ranchland subdivision street flooding.... SAP, p. 18.*

POLICY R-1: *Expand and develop recreational opportunities for all ages and users including access to the water and natural environment, walking trails, multi-purpose fields, multi-purpose community building, and other non-traditional types of recreational opportunities that are consistent with the Currituck County Parks and Recreation Master Plan. SUP, p. 21.*

ATTACHMENT "D"

The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities.

The site has adequate access to NC 168 and will be adequately served by schools (it is our understanding that the site is in the Shawboro school district, that school capacity is currently available and that capacity in the school system has already been allocated to this development), police, fire, and emergency services. The applicant has completed a stormwater study and improvements plan to ensure that stormwater management will be enhanced not only for the development but also for the surrounding community. Sewer service will be provided off-site and will not burden the county's wastewater system.