



Currituck County

Department of Planning
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MEMORANDUM

To: Ashbrook Estates, LLC
Jason Mizelle, Timmons Group

From: Planning Staff

Date: September 15, 2022

Re: PB 22-13 Ashbrook Estates Rezoning, TRC Comments

The following comments were received for the September 14, 2022, meeting. Please address all comments and resubmit a corrected plan as necessary. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Tammy Glave, 252-232-6025

Resubmit

1. The application is incomplete. Please add the telephone number and email address of the applicant to the application.
2. Any subdivision of this property with lots that go below three acres in size will require an amendment to the Image Currituck LUP as the entire property is classified as O-2 (Reserved Lands) with a density limit of 1 du/3 acres.
3. This conventional rezoning request results in a residential and nonresidential density increase and to ensure the development will be a compatible and well-planned development, it is staff's opinion that a conditional zoning application should be submitted and reviewed. Assumptions for below approximate maximum lot count comparison calculation:
 - Approval by the BOC of amendment to Image Currituck LUP FLUM classification from O-2 to a classification suitable for the proposed development.
 - 130.73 acres
 - 10% acreage reduction to account for infrastructure (13.07 ac)
 - Roughly 18 acres of wetlands based on soils map at the rear of the property
 - Suitable soils for septic systems

- NOTE: These numbers are merely rough estimates as true lot counts can only be rendered by a design professional with all known factors provided in a master plan.

AG (Existing)		
Single Family	<ul style="list-style-type: none">• 43 lots• Minimum lot size 30,000 sf• 50% open space (58.5 ac)• Max Density: .33 u/ac	<ul style="list-style-type: none">• 52 lots• Minimum lot size 30,000 sf• 60% open space (83.319 ac)• Max Density: .4 u/ac
Multi-Family	<ul style="list-style-type: none">• 0 Lots	
Nonresidential	<ul style="list-style-type: none">• 0 Lots	
<p>MXR (Requested)</p> <p>*Without knowing the requested Imagine Currituck LUP classification amendment requested, it is not possible to give an accurate estimate. These numbers are using the G-2 Controlled Growth classification that adjoins this property.</p> <p>*There applicant has indicated a mixed-use development comprised of multiple components of the classifications below.</p>		
Single Family	<ul style="list-style-type: none">• 130 Traditional Subdivision lots• 15,000 sf minimum lot size• 30% open space (39.22 acres)• Max Density: 1 du/ac	
Multi-Family	<ul style="list-style-type: none">• 175 units• Minimum lot size: N/A• 30% open space (39.22 ac)• Max Density: 1.5 u/ac	
Nonresidential	<ul style="list-style-type: none">• 229 Lots• 20,000 sf minimum lot size• 10% open space (13.07 acres)• Max Floor Area Ratio: .4 (up to 8,000 sf commercial on each lot)	

4. Without a master plan, as required with a conditional zoning request, it is not possible to verify that Imagine Currituck policies are being met and compatibility with surrounding uses. For example:
 - a. INFRASTRUCTURE AND COUNTY SERVICES

- i. GOAL AND POLICY 1: Ensure sufficient provision of services to support associated growth and development and continue to enforce the adequate public facilities ordinance.
 - ii. GOAL 8: Ensure that all public services remain at sufficient level to provide superior service to the growing population.
 - b. TRANSPORTATION:
 - i. GOAL AND POLICY 1: Improve safety, traffic flow, access, and appearance of major highways and roads.
 - c. ENVIRONMENT
 - i. GOAL AND POLICY 1: Preserve and protect the county's environmentally significant and sensitive lands and surrounding areas.
 - ii. GOAL AND POLICY 2: Ensure the protection and preservation of prime agricultural lands to the extent possible.
 - iii. GOAL AND POLICY 3.1: Preserve riparian buffers along canals, wetlands, sounds, rivers, and the Atlantic Ocean.
- 5. The property is entirely within Airport Overlay District Compatibility Use Zone 3. Without a master plan, as required with a conditional zoning request, it is not possible to verify that the purpose of the Airport Overlay District is met (UDO Section 3.8.5):
 - a. Protect and promote the general health, safety, welfare, and economy of the airport area.
 - b. Promote and encourage aviation related industries and compatible nonresidential uses to locate in close proximity to the airport.
 - c. Protect the character and stability of existing land uses in the vicinity of the airport.
 - d. Promote interconnectivity among parcels that encourage the use of multimodal transportation and creates an integrated transportation network.
 - e. Preserve natural resources that may be affected by harmful land uses or airport operations.
 - f. Promote sustainable development patterns that are consistent with the Maple-Barco Small Area Plan and Airport Layout Plan Update.
- 6. The property is designated as Conservation, Rural, and Transitional in the Maple-Barco Small Area Plan. Without a master plan, as required with a conditional zoning request, it is not possible to verify that Maple-Barco Small Area Plan policies are being met and compatibility with surrounding uses. For example:
 - a. LU1: Provide for very low density development in close proximity to the airport facility and in designated approach zones. Additionally, promote an appropriate mix of development types in the Maple/Barco area.
 - b. LU3: Encourage and allow neighborhood serving commercial in the 158/168 area.
 - c. LU4: Encourage and allow small, locally, owned businesses to locate in the area.
 - d. LU5: Preserve and promote agricultural related operations/businesses in the airport approach zones, along Maple Road, and 168.

- e. LU6: Encourage buffers for uses that are developing adjacent to environmentally sensitive areas.
 - f. LU9: Evaluate development proposals using the future land use map and policies for the Maple-Barco study area to determine the desired density, character of growth, and level of services appropriate for the study area.
 - g. TR4: Integrate infrastructure into new developments that promote multimodal transportation interconnecting employment centers, businesses, and neighborhoods.
 - h. EN2: Stormwater should be treated prior to entering environmentally sensitive areas including but not limited to wetlands, canals, creeks, swamps, and the Currituck Sound.
 - i. EN3: In approving development within the study area, water quality and ground water recharge should be of the utmost importance.
 - j. CH2: Preserve open space, agricultural lands, and waterfront view sheds within the study area.
 - k. CH4: Preserve and encourage use of local architectural vernacular (homestead) that promotes and enhances compatible development.
 - l. SD1: Explore ways to encourage and incentivize the use of sustainable development techniques in commercial/industrial development.
7. Without a master plan, it is not possible to verify that the zoning map amendment review standards are being met. For example:
- a. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this UDO;
 - b. Is in conflict with any provision of the UDO or the County Code of Ordinances;
 - c. 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;
 - d. Would result in a logical and orderly development pattern; and,
 - e. 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.
8. Staff does not support a conventional rezoning of this property from AG to MXR. According to Section 3.4.6.A of the UDO “The MXR district is established to accommodate a wide variety of residential use types at moderate densities as well as very low intensity neighborhood-serving commercial, personal service, and institutional uses outside of community and village centers on the mainland and the outer banks. The district is intended 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 nonresidential uses proximate to housing. The district accommodates all forms of residential development, including detached dwellings, apartments, townhouses, manufactured homes on individual lots (only on the mainland), accessory dwelling units, and live/work developments. The district also accommodates offices, neighborhood-oriented personal service uses, and retail

uses. In addition, the district allows neighborhood-supporting institutional uses like parks, marinas, religious institutions, schools, recreational facilities, and utilities. Development in the MXR district is subject to various design standards, including community compatibility standards applied to multi-family and nonresidential uses proposed adjacent to existing single-family dwellings.” This request does not provide enough detail, as is required by a conditional zoning request, to ensure that the result of the development of this parcel will be compatible development.

9. 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 of Commissioners to tailor a development in such a way as to accommodate the property owner’s interest, community values, and neighborhood character.
10. 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.
11. 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 compatibility, the community values, and consistency with the officially adopted plans.
12. There are also general school capacity concerns since the Committed Capacity for Moyock/Shawboro/Central Elementary schools was at 122% last school year and expected to be higher this school year. The high schools were at 99% committed capacity last school year. We are expecting updated school counts from the school system soon for this school year’s enrollment numbers at each school.

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

Reviewed without comments.

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

Reviewed without comment.

Currituck County Utilities, Will Rumsey & Dave Spence (Will Rumsey 252-232-2769; Dave Spence 252-232-2769)

Reviewed without comment.

Currituck County Water/Backflow, Chas Sawyer (252-202-1692)

Reviewed without comment.

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

Reviewed without comment.

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

Reviewed without comment.

NC Department of Transportation, David Otts (252-331-4737)

Reviewed without comment.

Comments Not Received From

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

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