



STAFF REPORT
PB 24-19 FLORA FARM
CONDITIONAL REZONING
BOARD OF COMMISSIONERS
OCTOBER 7, 2024

APPLICATION SUMMARY	
Property Owner: North-South Development Group LLC	Applicant: North-South Development Group LLC
Case Number: 24-19	Application Type: Amended Conditional Rezoning
Parcel Identification Numbers: 0015-000-085D-0000 0015-000-085E-0000	Existing Use: Flora Farm Subdivision under construction
Imagine Currituck 2040 Vision Plan Classification: G-2 Controlled Growth and G-3 Mixed Use Centers & Corridors	Parcel Size (Acres): 224.18
Moyock Small Area Plan Classification: Full and Limited Service	Zoning History: C-MXR (2021) & C-GB (2023) AG (2013); A (1989); A-40 (1975)
Current Zoning: C-MXR & C-GB	Proposed Zoning: C-MXR
Request: Amend conditional zoning to remove conditional general business district and add conditional mixed residential district for up to 252 multi-family units, modify the commercial parcel configuration and construct a roundabout at Survey Road.	

REQUEST

NARRATIVE

Parcel 85E is 202.44 acres subject to the Flora Farm conditional mixed-residential district (C-MXR) approved on March 1, 2021 which allows for 277 single-family dwelling lots, 7,500 sf of neighborhood commercial units, and associated amenities. Parcel 85D is 21.99 acres subject to the Flora conditional general business district (C-GB) that was approved on February 6, 2023 which allows for up to 120,000 square feet of non-residential floor area and outparcel development. According to the applicant, the shopping center project is prospected for a different location with existing general business zoning in the vicinity of Survey Road.

The applicant is requesting an amendment from C-GB to C-MXR to allow up to 252 multi-family units (garden style apartments) on Parcel 85D which will be part of the Flora Farm C-MXR district. The request increases density from 1.37 to 2.49 dwelling units per acre for the Flora Farm C-MXR development. The applicant is proposing a roundabout at Survey Road which will slightly modify the lot area proposed for non-residential development.

A change to the Unified Development Ordinance was adopted by the Board of Commissioners on May 26, 2024 which allows a maximum density of up to 3 dwelling units per acre in C-MXR districts with centralized wastewater and county water supply that include a mix of multi-family dwellings and single-family dwellings. Although this zoning request most specifically impacts Parcel 85D (previously zoned C-GB), the density request for the multi-family portion of this project pulls density from the entire Flora tract (less wetlands); therefore, to be consistent with the Imagine Currituck 2040 Vision Plan, the entire tract must be designated G-3 Mixed-Use Centers and Corridors. With the prior rezoning to C-GB, the BOC amended the Future Land Use Map (FLUM) for Parcel 85D to G-3 on February 6, 2023.

To meet the minimum 40% lot coverage requirement for the multi-family portion of the development, the applicant will amend the configuration of Parcel 85D to include area designated as Flora Farm open space. The multi-family development will be reviewed as a major site plan and will meet the multi-family design standards of the Unified Development Ordinance. The Flora Farm major subdivision received preliminary plat/special use permit and construction drawing approval, changes to the preliminary plats for impacted phases will be required if this rezoning application is approved.

The overall density request is 277 single-family lots and 252 garden style apartments for a total of 529 dwelling units. This equals 2.49 dwelling units per acre (excluding wetlands).

UTILITIES AND DRAINAGE

The development will connect to county water and be serviced by Eagle Creek Wastewater Treatment Plant (WWTP), a private sewer provider. The Eagle Creek WWTP has been under violation with the State and is currently under a moratorium. Correspondence received from David May, Supervisor (Water Quality Regional Operations Section, Washington Regional Office, Division of Water Resources, North Carolina Department of Environmental Quality) on August 13, 2024 indicates that progress continues to be made with getting the plant back in shape.

On-site stormwater will be managed by construction of 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.

SCHOOLS

Based on the Student Generation Rates of the Tischler and Associates, Inc. Study (2004), for “all other housing types”, the multi-family development is projected to add the following students:

- a. Elementary School $252 \times .28/\text{du} = 70$ students (Currently capacity is not available; however, Tulls Creek Elementary School is projected to be completed October 24, 2025, proposed phasing of first CO of multi-family project is July 2026.)
- b. Middle School $252 \times .06/\text{du} = 15$ students (Capacity available)
- c. High School $252 \times .12/\text{du} = 30$ students (Capacity available)

TRANSPORTATION

The applicant has provided an updated traffic impact analysis which indicates that traffic impacts for the multi-family project will be less than that proposed for the shopping center project.

COMMUNITY MEETING

The developer held a community meeting on June 25, 2024 at 6:00 pm at Moyock Library, a summary is provided in the agenda packet.

Moyock Small Area Plan

The **Moyock Small Area Plan**, an official plan adopted in 2013, classifies the front portion (approx. 90 acres) of the site as **Full Service** and the rear (approx. 134 acres) as **Limited Service** on the future land use map.

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

“Full Service designations are focal points in the community where high amounts of activity occur. In full service designations a broad range of infrastructure and service investments are or will be made available by the public and/or private sectors. Infrastructure investments may include, for example, centralized water and sewer, community parks, multipurpose community facilities, schools, and fire and rescue facilities. Full service areas will have high concentrations of public investment and medium to higher development intensities. Mixed use development with both residential and commercial components will be present in full service areas. In addition, clustered or planned commercial and residential areas with diversity in housing types is preferred. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surrounding land uses. All development should encourage human scale in full service areas. Human scale development encourages interconnected transportation systems that support both vehicles and pedestrians and contain site amenities designed for humans (i.e. lighting, benches, bike racks, etc). In full service areas, there will be a high degree of architectural elements and creative site design is encouraged. Activity centers are located in full service designations.”

“Limited Service designations are less intensely developed than full service. Emphasis in this designation is more on residential development and densities. Limited service designations provide for limited availability to infrastructure and services and low to moderate residential densities. Limited service designation has reduced public services such as fire protection, emergency services, recreation, and public water. Residential densities in this designation range between 1 – 1.5 units per acre. Clustered residential and small neighborhood service commercial such as retail, office, basic services, and civic uses can be found in this designation.”

The following policy of the Moyock Small Area Plan may apply to the request:

FLU 1: Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site plan measures that encourage harmony.

Maximum envisioned density of the Moyock Small Area Plan:

- Approximately 95 acres designated Full Service: $95 \times 3 = 285$
- Approximately 130 acres designated Limited Service: $130 \times 1.5 = 195$
- Approximate total maximum density 480 dwelling units per acre based on Land Use Plan.

Imagine Currituck 2040 Vision Plan

The **Imagine Currituck 2040 Vision Plan** classifies a portion of the site as **G-2 Controlled Growth** and a portion as **G-3 Mixed-Use Centers and Corridors**.

The G-2 classification contains medium-density residential developments and neighborhood-scale commercial nodes. This sector is characterized by an interconnected local road network, available water

or wastewater, and walkable neighborhoods that connect to parks, open space, commercial nodes, and other neighborhoods.

Appropriate Land Uses and Development Types:

- Medium-density single family subdivisions
- Mixed residential developments that provide a variety of housing types
- Limited multi-family developments
- Neighborhood office and commercial mixed-use including beach-tourism supporting businesses
- Civic uses such as schools or County facilities
- Agritourism
- Eco-tourism
- Encourage neighborhood serving commercial to locate near road intersections, neighborhood serving facilities such as schools and parks and existing compatible commercial uses.
- All new development and redevelopment in G-2 shall connect to county water.
- Medium density residential, commercial and compatible industrial uses are encouraged to locate within the G-2 transect areas where both water and wastewater services are available.

The G-3 classification is supported by major transportation networks, public water and wastewater infrastructure, and a community greenway system that links neighborhoods to mixed use areas. This sector provides for a wide range of uses including mixed residential subdivisions with a variety of housing types and mixed use developments that maximize the efficient use of space. Attractive mixed use development can be achieved by incentivizing multi-story buildings that comply with design standards that emphasize building form, orientation, and architecture.

Appropriate Land Uses and Development Types:

- Mixed residential developments that provide a variety of housing types
- Horizontal and vertical mixed-use development
- Multi-family development
- Office and institutional
- Medium to high residential densities, commercial and compatible industrial uses are encouraged to locate within the G-3 transect areas where both water and wastewater services are available.

The following policies of the plan may apply to the proposed request:

Land Use Goal 1: Encourage development to occur at densities appropriate for their location and consider factors, including but not limited to: environmentally suitable areas; suitable soils; adequate infrastructure; the type and capacity of sewage treatment available to the site; the adequacy of transportation facilities providing access to the site; and compatibility and proximity of the site to existing and planned County services.

Land Use Policy 1.1: The Future Land Use Map is a guide for decision making, planning for infrastructure and conservation and should not be the sole basis for land use decisions.

Land Use Policy 1.2: Consider adopted small area plan policies and civic master plans.

Land Use Policy 1.3: Consider community character and established visions for the community.

Land Use Policy 1.4: Protect the uniqueness of the County through preservation of farmland, wooded areas, open space and water views from roads, walkways, and other public spaces.

Land Use Policy 1.5: Preserve farmland and open space by protecting historically rural areas using more compact density requirements for new developments that discourage and help prevent urban sprawl.

Land Use Goal 2: Carefully consider the design and location of intensive and potentially incompatible land uses to mitigate compatibility issues such as environmental quality, safety, overburdening local infrastructure, scale, use, design, location, and adverse effects.

Infrastructure and County Services Goal 1: Ensure sufficient provision of services to support associated growth and development and continue to enforce the adequate public facilities ordinance.

Infrastructure and County Services Policy 1.1: The costs of infrastructure, facilities, and services related to demand created by new growth and development shall be borne, in equitable proportion, by those creating the additional demand. This may include but is not limited to: land transfer tax, development fees, upzoning fees, and user fees.

Infrastructure and County Services Policy 1.2: Actions concerning infrastructure shall direct new development first to targeted growth areas

Infrastructure and County Services Policy 3.1: New development shall connect to the County's water system at the expense of the developer. (Wherever available and in accordance with County standards.)

Infrastructure and County Services Goal 4: Improve stormwater management and mitigation throughout the County by continuing to implement a watershed-based approach to stormwater management.

Infrastructure and County Services Policy 7.2: Continue enforcement of adequate public facilities ordinance to ensure sufficient school capacity.

Infrastructure and County Services Goal 8: Ensure that all public services remain at a sufficient level to provide superior service to the growing Currituck County population.

Transportation Policy 2.1: New development shall construct pedestrian walkways and multi-use greenways that connect adjacent residential and commercial areas.

Environment Goal 1: Preserve and protect the County's environmentally significant and sensitive lands and surrounding areas.

Environment Policy 1.1: Preserve coastal and non-coastal wetlands and riparian buffers for their natural resilience benefits.

Environment Policy 4.5: Conserve and protect coastal and non-coastal wetlands for the valuable functions they perform in protecting water quality, absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table and providing critical habitat for many plant and animal species.

Parks and Recreation Policy 1.5: New development shall provide public access to recreation and natural resource areas.

Parks and Recreation Goal 3: Ensure that parks and recreation offerings remain relevant to meet the recreation needs of the population.

Parks and Recreation Policy 2.1: Continue to require new development to construct pedestrian walkways and multi-use greenways that connect to external adjacent residential, commercial, recreation, and open space areas.

Parks and Recreation Policy 3.2: Continue to require recreation and park area dedication or fee in lieu of providing recreation amenities.

General Northern Mainland Land Use Policy 1.1: Foster growth and development while maintaining the distinctive natural environment (wildlife habitat, natural beauty, critical areas) and rural character of the community (farms and pastures, open space, forests, and farmland).

General Northern Mainland Land Use Policy 1.2: Encourage attractive, vibrant, walkable communities that support a variety of businesses and recreational activities.

Moyock Land Use Policy 2.1: Properly manage the increased urban level of growth in Moyock.

Moyock Land Use Policy 2.2: Encourage clustered housing developments to preserve the natural environment and rural character.

Northern Mainland Transect Profile
G-2 Controlled Growth

9.1 This area is best suited for medium-density transitional subdivisions that establish interconnected walkable neighborhoods that link parks and open space in the transitional areas of residential development near Moyock and Currituck.

G-3 Mixed Use Centers and Corridors

10.1 Appropriate uses include attractive mixed use developments and multi-story buildings that comply with design standards and village subdivisions that provide a variety of housing types. Densities shall be established in existing and future Civic Master Plans.

Maximum envisioned density of the *Imagine Currituck 2040 Vision Plan*:

Approximately 24.5 acres designated G-3: $24.5 \times 3 = 73$ dwelling units

Approximately 199.5 acres designated G-2: $199.5 \times 2 = 399$ dwelling units

Approximate total maximum density 472 dwelling units per acre based on FLUM.

Maximum density permitted with a change to the FLUM from G-2 to G-3 for the entire project area:

224 acres designated G-3: $224 \times 3 = 672$ dwelling units

In prior rezoning decisions, the BOC has used discretion to determine whether to place more importance on the Land Use Plan or an adopted plan specific to a small area.

If approved, the conditional rezoning request will result in an amendment to the *Imagine Currituck 2040 Vision Plan* FLUM to designate the entire site as **G-3 Mixed Use Centers and Corridors**.

Given the location and the availability of county water and private wastewater to the site, it may be appropriate for this change to the FLUM. Additionally, the proposed development is consistent with *Imagine Currituck 2040 Vision Plan* land use policies related to diversity of housing options. According to the LUP, new housing should be encouraged to take a range of forms in order to diversify the current housing stock of predominantly single-family homes. A balanced mix of housing types will position the County to accommodate the needs of the aging population and preferences of young professionals moving to the area.

Community Vision Statement

“New development offers a wide range of housing choices and is compatible with its surroundings by providing connectivity between neighborhoods and amenities such as walkways and water access. The County maintains appropriate development densities and discourages encroachment into areas that impact natural assets. Development occurs in areas adequately served by county infrastructure, or occurs concurrently with planned infrastructure improvements.”

Guiding Principles

ECONOMIC PROSPERITY AND RESILIENCE. Cultivate a diverse economy that encourages the growth of traditional sectors while fostering new opportunities for nature-based recreation tourism and small business growth. Provide a range of housing types and land development densities appropriate for attracting quality, environmentally compatible businesses and industries that strengthen the County tax base.

CC-ACT-16 Update UDO to provide incentives for development of a variety of workforce housing for mixed incomes.

NM-ACT-20 Incentivize the development of multigenerational and senior housing.

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;
Staff Commentary: The application is not completely consistent with the FLUM of the Imagine Currituck 2040 Vision Plan. It is consistent with policies of the Imagine Currituck 2040 Vision Plan related to increased workforce housing options. The amended zoning, if approved, will result in a change to the FLUM from G-2 Controlled Growth to G-3 Mixed-Use Centers and Corridors due to the change in density.
2. Is in conflict with any provision of this Ordinance, or the County Code of Ordinances;
Staff Commentary: The application is not in conflict with the UDO and Code of Ordinances with respect to design requirements.
3. Is required by changed conditions;
Staff Commentary: Recent BOC decisions to rezone the subject properties (Flora Farm and Flora Commercial) and the adjacent parcels (Fost Planned Development) indicate a shift in the location of a medium to high density development center in the Moyock Sub-area of the Northern Mainland.
4. Addresses a demonstrated community need;
Staff Commentary: The application may address a demonstrated community need by providing more diversity of housing types, the BOC must decide if the density proposed is appropriate.
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;
Staff Commentary: The application is compatible with the Fost Planned Development to the east and with the commercial zoned property to the north and the elementary school to the west.
6. Adversely impacts nearby lands;
Staff Commentary: The area proposed for multi-family apartments is currently zoned for a shopping center.
7. Would result in a logical and orderly development pattern;
Staff Commentary: The application may result in a logical and orderly development pattern, and overall has similar density to the Fost Planned Development to the east.
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;
Staff Commentary: The application may not result in significant adverse impacts on the natural environment. The area proposed for multi-family apartments is currently zoned for a shopping center.
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);
Staff Commentary: The BOC needs to determine that the development will be adequately served by public facilities including schools, water, wastewater, law enforcement and fire and EMS facilities. School counts should be reviewed as well as impacts to public services required for the development. Also, the proposed wastewater system has been under violation from the state and the BOC should have a complete understanding of any impacts to the private wastewater system.
10. Would not result in significantly adverse impacts on the land values in the surrounding area; and,
Staff Commentary: The application may not result in significant adverse impacts on the natural environment. The area proposed for multi-family apartments is currently zoned for a shopping center.

11. Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.

Staff Commentary: The application appears to be in harmony with the purposes and intent of this ordinance. The BOC must decide if the density proposed is appropriate.

RECOMMENDATION

Technical Review Committee

The Technical Review Committee recommends conditional approval of the request.

If the BOC approves 252 multi-family dwelling units and determines the proposed density is appropriate and consistent with the Land Use Plan and established visions for the area, the *Imagine Currituck 2040 Vision Plan* Future Land Use Map will be amended.

If the BOC determines the proposed density should be reduced to be consistent with the current LUP designations and maximum densities, the BOC should determine the maximum number of multi-family dwelling units permitted.

The TRC suggests the following conditions:

1. Previous conditions of approval shall remain.
2. Proposed conditions below shall become conditions of approval.
3. Development of the property shall conform to the approved conceptual development plan/master plan.

ADVISORY BODY REVIEW AND DECISION

Planning Board

The Planning Board, following a public meeting, shall make a recommendation on the application in accordance with Section 2.3.9, Advisory Body Review and Recommendation, and Section 2.4.4.D, Conditional Rezoning Review Standards.

During its review of the application, the Planning Board may suggest revisions to the proposed conditions (including the conceptual development plan), consistent with the provisions of Section 2.3.11, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

The Planning Board shall advise on and comment on whether the proposed conditional rezoning is consistent with 2.4.4.B.8(b) and shall make a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board. The Board of Commissioners is not bound by a Planning Board recommendation.

Planning Board Minutes

On September 10, 2024, the Planning Board approved the requested conditional rezoning 4-2.

Discussion

Ms. Turner reviewed the requested amendment to the conditional rezoning with the board which would remove the Conditional General Business (C-GB) zoning district and amend the Conditional Mixed Residential (C-MXR) zoning district for 224.18 acres to add up to 252 multi-family units, modify the commercial parcel configuration and construct a roundabout at Survey Road. Ms. Turner presented the aerial map showing the smaller portion for the previous planned shopping center and the larger portion, said the zoning was changed from G2 transect (controlled growth) to G3 transect (mixed use centers and corridors), the Moyock Small Area Plan zones the property full service, reviewed the previous plan, which

was approved February 6, 2023, and then reviewed the current plan, giving the history of a text amendment to the Unified Development Ordinance adopted by the Board of Commissioners on May 26, 2024, which allows a maximum density of up to three dwelling units per acre in C-MXR district with centralized wastewater and county water supply that include a mix of multi-family dwellings and single-family dwellings. The request would increase density from 1.37 to 2.49 dwelling units per acre and the overall density request is 277 single-family lots and 252 garden style apartments for a total of 529 dwelling units. Ms. Turner said the development will connect to county water and will be served by the Eagle Creek Wastewater Treatment Plant; the county received a letter from David May, dated August 13, 2024, which indicates progress continues to be made with updating the wastewater plant. On-site stormwater will be managed by series of stormwater management ponds. Ms. Turner said the current UDO calls for a maximum of 40 percent lot coverage for the multi-family portion of the development; to meet this requirement the applicant will amend the configuration of Parcel 85D to include area designated as Flora Farm open space and the multi-family development will be reviewed as a major site plan. Ms. Turner said school capacity is available in middle and high school but not currently available in elementary school, but Tulls Creek Elementary School is projected to be completed October 24, 2025.

Ms. Turner presented the amenities of the development and reviewed the elevations. The board did not have any questions concerning the plans.

Ms. Turner continued her presentation by giving the Moyock Small Area Plan (SAP) consistencies, reviewed the max density of the Moyock SAP on page 60 of the agenda packet, gave the LUP classification summaries for G2 and G3, maximum envisioned density of Imagine Currituck 2040 Vision Plan on page 63, and reviewed total dwelling units proposed. Ms. Turner ended her presentation by giving the LUP policies that apply, gave the community vision statement and guiding principles of the Imagine Currituck 2040 Vision Plan, the review standard for conditional rezoning, the consistency and reasonableness statement, and said the TRC recommends approval of the request with conditions stated in the staff report.

Mark Bissell came before the board to present his case for the applicant. Mr. Bissell gave an update on the Eagle Creek Wastewater Treatment Plant's repairs and additional upgrades, he went over the development's amenities, said the plan was initially more intense but decided to drop 84 units to make it more appropriate for the site. Mr. Bissell said the garden apartments are needed in the area and the Board of Commissioners had recently amended the UDO to allow this style of apartments which will allow affordable housing for law enforcement, teachers, etc. The development will have central management, with stormwater being actively managed, and buffers installed. Mr. Bissell said they are confident that DEQ will lift their moratorium so they may connect to the sewer, he reviewed the roundabout design recommended by NCDOT, and said the first Certificate of Occupancy will not be until a year after the opening of Tulls Creek Elementary School with phasing being completed over a period of 6 years.

There were no board questions for Mr. Bissell.

Steven Hedrick, 276 Summit Farms Trail, came before the board to express concern over the removal of the commercial section for the grocery store. Mr. Hedrick said a second is needed with the population in Moyock.

The developer, Justin Old, residing at Springer Lane, Moyock, came before the board to explain why he is requesting the removal of the commercial section. Mr. Old said the grocery store businesses did not like the location so far from the highway, so he has put a contract on a parcel of land adjacent to the highway, located between Survey Road and NC 168. Mr. Old is hoping the new location will be better suited for the grocery store and that the businesses will make a commitment to that location.

Chairman Bass asked how many bedrooms the apartments would have. Mr. Old said it would be a mix

of one, two, and three bedrooms. Mr. Old clarified that the algorithm for another grocery store is very tight.

Mr. Bissell reviewed the design of the buildings. There was no further discussion from the board.

Motion

Mr. Innes moved to approve PB 24-19 Flora Farm Conditional Rezoning because the request is in conformance with General Purpose and Intent of the Unified Development Ordinance and is consistent with the goals, objectives, and policies of the *Imagine Currituck 2040 Vision Plan*, including Land Use Goal 1.

And the request is reasonable and in the public interest because the size and location of the property is appropriate for the proposed use and the request provides a needed housing alternative in the Moyock Sub-Area of the Northern Mainland.

TRC Review Comments and Applicant's Agreed upon conditions of approval in the staff report shall become conditions of approval.

Mr. Hurley seconded the motion. The motion was approved 4-2 with Mr. Bass and Mr. Doll voting nay.

DECISION MAKING BODY REVIEW AND DECISION

Board of Commissioners

The Board of Commissioners, following a legislative public hearing, shall decide the application in accordance with Section 2.3.10, Decision-Making Body Review and Decision, and Section 2.4.4.D, Conditional Rezoning Review Standards. The decision shall be one of the following:

- (i) Approval of the conditional rezoning subject to the conditions included in the application;
- (ii) Approval of the conditional rezoning subject to any revised or additional conditions agreed to by the applicant, in writing;
- (iii) Denial of the conditional rezoning; or
- (iv) Remand of the conditional rezoning application back to the Planning Board for further consideration.

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.

When making a decision, the Board of Commissioners shall approve a statement of consistency and reasonableness that:

- (i) Describes whether the decision is consistent with all county adopted plans that are applicable; and
- (ii) Explains why the decision is reasonable and in the public interest. When making a statement of reasonableness, the Board of Commissioners may consider, among other factors:
 - (A) The size, physical conditions, and other attributes of any area proposed to be rezoned;
 - (B) The benefits and detriments to the landowners, the neighbors, and the surrounding community;
 - (C) The relationship between the current actual and permissible development and the development permissible under the proposed conditional rezoning;
 - (D) Why the action taken is in the public interest; and
 - (E) Any changed conditions warranting the amendment.

The BOC may determine that the request is reasonable and in the public interest by determining that the size and location of the property is appropriate for the proposed use and the request provides a needed housing alternative in the Moyock Sub-Area of the Northern Mainland.

CONDITIONS OF APPROVAL

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

Agreed upon conditions of approval:

Previous 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.

Condition 3 regarding the private wastewater treatment plant (WWTP):

- a. Certification be provided that the private WWTP proposed to service this development can accommodate the gallons per day (gpd) of wastewater this development proposes to generate.

Proposed conditions:

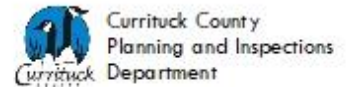
Condition 4 regarding the multi-family development:

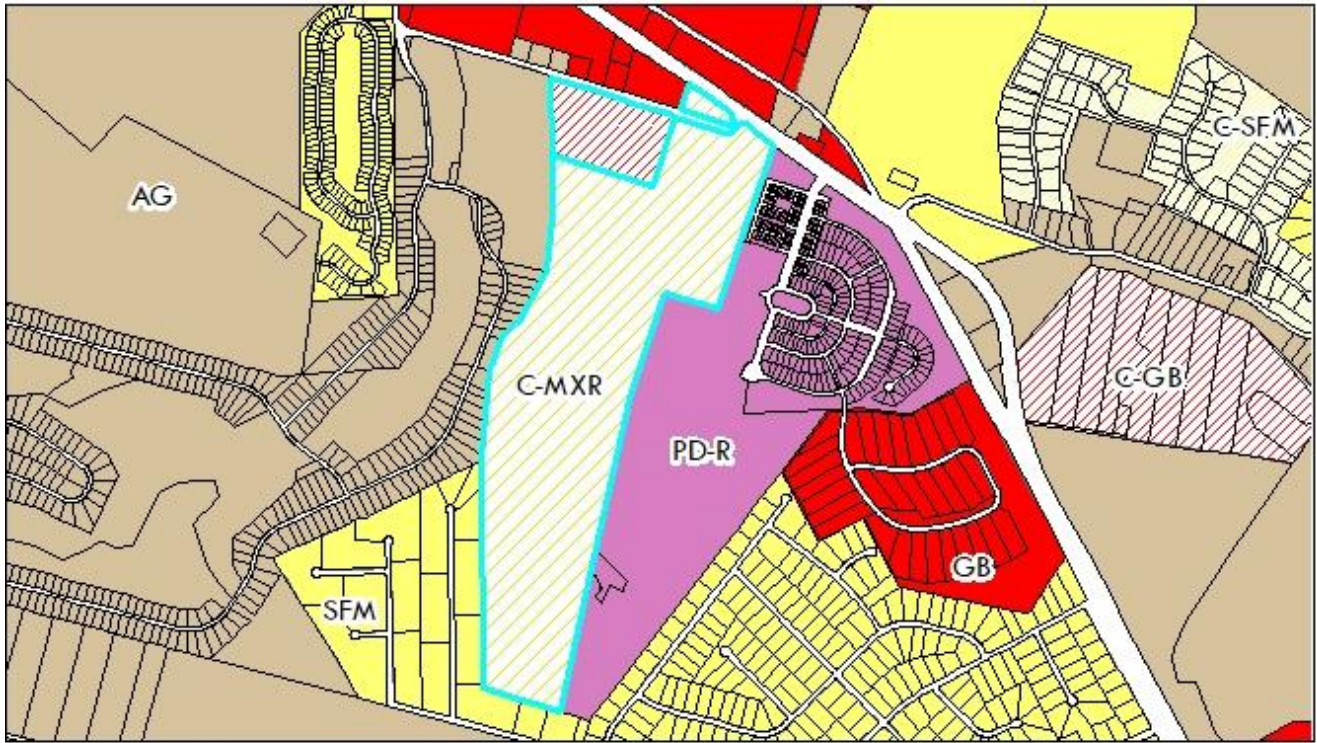
- a. A maximum of 252 units are permitted, arranged generally as shown on the conceptual development plan.
- b. The proposed clubhouse, pool and playground will be constructed with the first phase of the multi-family development. Game lawns, grill pavillions, and dog park amenities will be installed in proportion to the construction of additional buildings
- c. Multi-family buildings will be constructed in substantial conformance with the submitted building elevations and descriptions provided.
- d. The earliest date of issuance of a Certificate of Occupancy (CO) for the Phase 1, five 18-unit multi-family buildings is July 1, 2026.
- e. The earliest date of issuance of a CO for Phase 2, five 18-unit multi-family buildings is July 1, 2028.

- f. The earliest date of issuance of a CO for Phase 3, four 18-unit multi-family buildings is July 1, 2030.

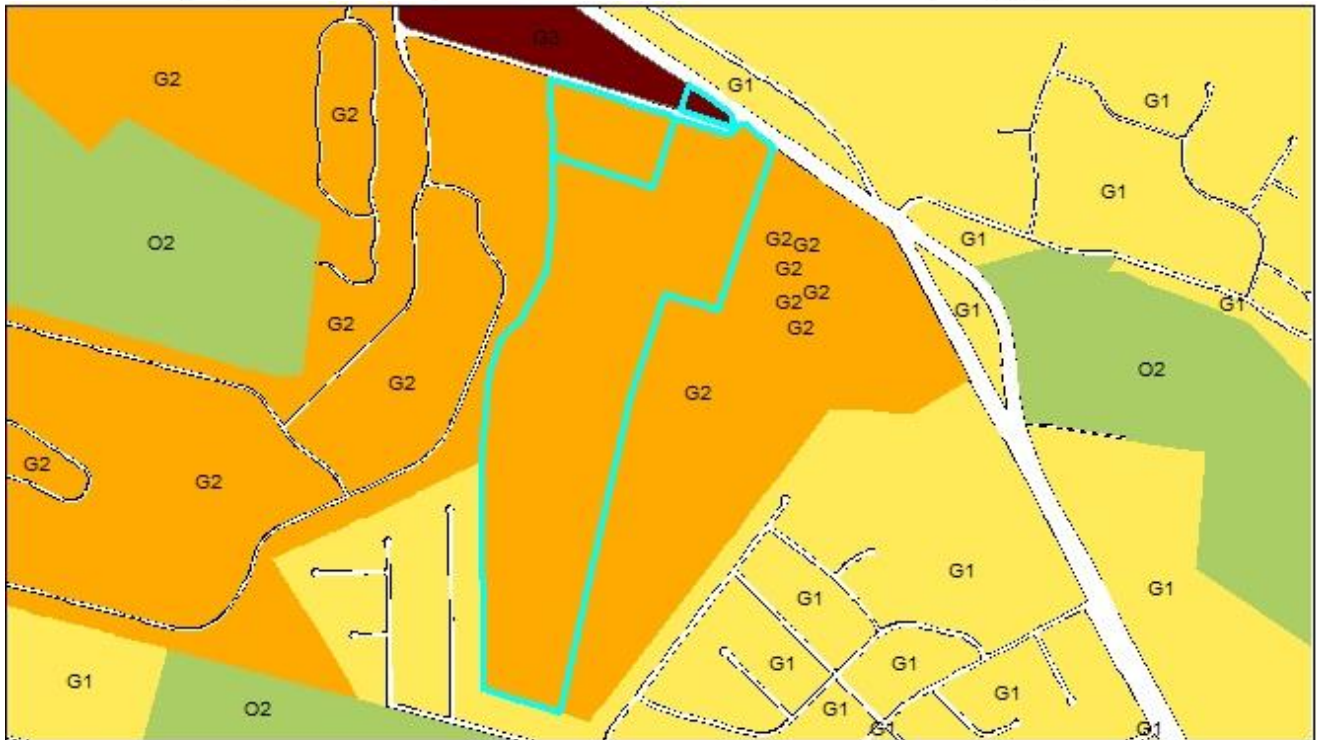
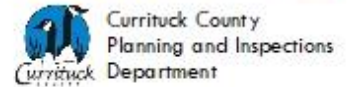
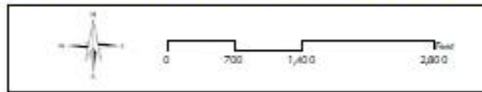


PB 24-19 Flora Farm
Amended C-MXR
2020 Aerial Photography

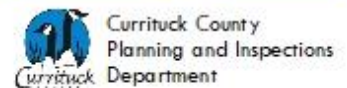


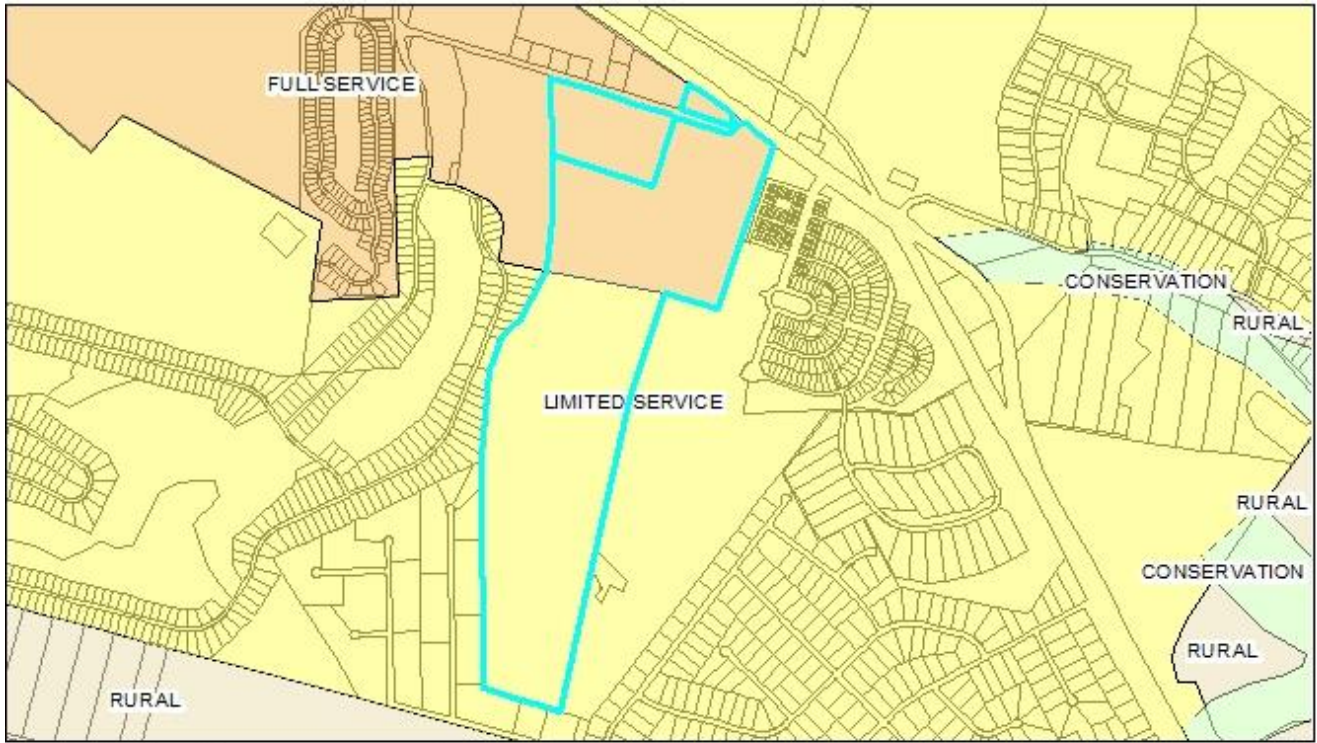


PB 24-19 Flora Farm
Amended C-MXR
Official Zoning Map



PB 24-19 Flora Farm
Amended C-MXR
Imagine Currituck FLUM





PB 24-19 Flora Farm
 Amended C-MXR
 Moyock SAP FLUM



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