



## Currituck County

Development Services Department  
153 Courthouse Road, Suite 110  
Currituck, North Carolina 27929  
252-232-3055  
FAX 252-232-3026

### MEMORANDUM

**TO:** W & J Land Development, LLC

**FROM:** Planning Staff

**DATE:** May 10, 2023 [9-28-23 Response to TRC Comments](#)

**SUBJECT:** Grandy Village Conditional Rezoning TRC Comments

The following comments were received for the May 10, 2023, TRC meeting. Please address all comments and resubmit plans and documents on or before noon May 25, 2023. The resubmittal will be reviewed by the TRC before it is scheduled for a Planning Board meeting. TRC comments are valid for six months from the date of the TRC meeting.

#### **Planning (Donna Voliva, 252-232-6032)**

Reviewed

1. Staff will visit the site on May 12<sup>th</sup> and additional comments may be provided after the site visit.
2. The density allowed under the MXR district is as follows:
  - a. 3 dwelling units per acre for multi-family development.
  - b. 2 dwelling units per acre for nonresidential development.
  - c. A density bonus of up to one additional dwelling unit per acre beyond the maximum permitted in the base district may be allowed provided the request is consistent with Section 5.13, Incentives for Sustainable Development Practices.  
[While the UDO calls for submittal of the specific sustainable development practices at the SUP or site plan stage of the development, we will outline them here, tentatively:](#)
    - [From Schedule A:](#)
      - [Use of central air conditioners that are Energy Star qualified](#)
      - [Provision of rain gardens or other appropriate stormwater infiltration system\(s\) of at least 500 square feet in area](#)
    - [From Schedule B:](#)
      - [Inclusion of shade features \(e.g., awnings, louvers, shutters, etc.\) to shade all windows and doors on the southern building façade](#)
      - [Provision of rain gardens or other appropriate stormwater infiltration BMP systems of at least 100 square feet in area](#)
      - [Inclusion of showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation](#)
      - [Use of xeriscape landscaping techniques without irrigation](#)
3. Provide a copy of the Division of Coastal Management (DCM) CAMA wetland delineation and/or correspondence (also see 5.b. below).  
[There are no CAMA wetlands on the site; correspondence is provided. Waters of the state have been removed from the developable area.](#)
4. The conceptual plan indicates a preliminary delineation line. Provide the details including the source of the line. In addition, provide a copy of the wetland (401/404) delineation.  
[An official delineation has now been obtained and is included.](#)

5. The conceptual development plan shall include the following:
  - a. Each property owner's name, address, phone number, and email address. *Property owner addresses, phone numbers and email addresses have been added.*
  - b. CAMA wetlands. Since the residential density does not include CAMA wetlands, the wetland delineation and/or correspondence from Division of Coastal Management (DCM) must be provided. *The consultant met with CAMA on site and it was determined that there are no CAMA wetlands.*
  - c. The building elevations for the townhomes do not show garages. However, the conceptual development plan appears to indicate a garage. Provide the building elevation for garage options, if proposed. *Garages are no longer being proposed.*
  - d. Several units are 20 feet from the internal drive aisle and a pedestrian sidewalk is proposed near the drive aisle. The pedestrian sidewalk appears to be blocked on several units. *Parking areas and walkways have been reconfigured to avoid this type of conflict.*
  - e. A pedestrian connection shall be provided from the development to the proposed multi-use path along Caratoke Highway. *The connection is being provided and is shown on the site plan.*
  - f. The proposed parking for the nonresidential uses may be less than the UDO requires for some commercial uses based on the proposed building square footage. Provide details as to how the minimum parking will be met for the proposed non-residential uses. *Parking has been allocated at the UDO-prescribed rate of 1 space per 300 square feet of non-residential building area.*
  - g. The proposed parking for the townhomes appears to be less than the UDO requires. The minimum parking for townhome development is 1.8 parking spaces per dwelling unit and 90 parking spaces are required for 50 units. Provide details as to how the minimum parking will be met for the proposed multi-family uses. *Parking has been increased to provide a little over 2.5 parking spaces per unit, well exceeding the UDO requirement.*
6. A townhouse building shall contain at least three but no more than six side by side dwelling units. Section 4.2.2.A.(5)(d) *2-unit buildings have been recombined with others.*
7. The multi-family design standards are typically reviewed during the site plan process however, the following items appear to be in conflict with the minimum UDO requirements of Section 5.7:
  - a. A clearly defined, visible and identifiable pedestrian network shall be provided between parking lots, public street sidewalks, open spaces, recreational facilities, and individual buildings. *We believe the walkways shown on the revised plan meet this intent.*
  - b. Common open spaces and children's play areas shall be clearly visible from the dwelling units on the site. *We believe the intent has been met, but are open to suggestions to improve the plan.*
  - c. Multi-family buildings within 100 feet of a lot with an existing single family detached residential dwelling, without an intervening public street, shall have a maximum height of two stories. *Understood; these buildings will be 2 stories.*
  - d. Centralized trash receptacles shall be located in an enclosed area located to the rear of the principal buildings. *An enclosure is being provided; in further discussion we believe it was agreed that the current arrangement meets the intent of this part of the ordinance.*
  - e. Provide a legend for the colors. *The colors and legend have been updated.*
  - f. Clarify the first phase of the development. The temporary construction entrance is provided off Mimosa Lane and no construction traffic is anticipated to use the access off Caratoke Highway. It appears the Mimosa Lane connection will not occur until Phase 3 and access to the signalized intersection most likely will include traffic utilizing the McDonalds parking lot. There are concerns that a cross access easement does not exist for this type of access and will increase traffic flow until Phase 3 is completed. *Phase 1 now includes the Mimosa Lane access.*
  - g. Clearly show the multi-family and commercial open space; acreage is provided but the boundaries are not clear. *The boundaries for these open space areas have been clarified.*
  - h. Provide the approximate flood zone line. *The flood zone line is shown and is labeled.*
  - i. A proposed landscape buffer is shown in the riparian buffer along the "existing canal". What is the current condition of the riparian buffer and wetlands? *There is a significant*

- amount of vegetation in these areas; the intent is to retain as much as is practicable and to enhance the native vegetation as necessary.
- j. What is the current condition of the canal (water depths, bulkhead/side slopes).  
The canal has not been mapped, as no new use of the canal is being proposed in connection with this development.
  - k. Provide details of the proposed landscape buffer. The proposed buffer will consist of a Type C buffer (12 ACI of canopy trees + 14 ACI of understory trees + 20 shrubs per 100 linear feet, or a 4-foot-high berm or a 4-foot high solid fence + 2 ACI of canopy trees + 16 ACI understory trees per 100 linear feet)
  - l. Multi-family development shall provide active recreation features that occupy at least 35% of the open space set-aside area. The conceptual development plan indicates a picnic area, wildlife observation deck, and walks are the proposed amenities. Provide percentage details, phasing, and anticipated improvements for active recreation features (structure, improvements, playground equipment). Use areas with percentages and general amenities that are proposed are shown on the conceptual site plan; additional details will be developed at the site plan review and approval stage.
  - m. A major drainageway and easement shall be provided along the northern boundary. Describe how the easement may be impacted by the proposed buffer. The existing culvert under Poplar Branch Road is not shown. An easement is being proposed along the portion of the ditch that runs across the property; the culvert has been added to the plan. The proposed buffer is located outside the drainage easement.
8. The BOC adopted an amendment to the MXR district standards and uses on February 6, 2023. The text amendment further clarified the allowance for 10,000 square foot maximum commercial and personal services uses. The site must be designated as full service and front a major arterial to allow a maximum building size of 10,000 square feet. Also, shopping center use was removed from the MXR zoning district. Will the commercial area be subdivided? The site is designated full service and does front on a major highway. It has not been determined whether the commercial area will be subdivided; this will depend on the end users of these buildings. The developer is currently having discussions with two medical end-users.
  9. Multi-family development must be connected and serviced by a centralized wastewater system. At this time, the BOC has not adopted a resolution allowing this site to be included in the wastewater service area. The project information for the requested wastewater only includes the townhomes. What is planned for the commercial sites? A report was prepared for the BOC to show that capacity is available in the Waterside Villages WWTP to accommodate this development including the commercial allocation, using the state's formula for undesignated commercial development.
  10. Provide the projected timing of the phased development. It is anticipated that a phase will be developed each year, but the final timing will be determined by market conditions.
  11. The proposed conditions indicate:
    - a. two-story and three-story units. Please provide a summary indicating the anticipated mix of units. Also, provide an elevation for two story units. An elevation for the 2-story units has now been developed and is included. Only 2-story units will be constructed within 100' of a residential zoning district; the exact mix of 2- and 3-story units elsewhere has not been determined at this stage, and will be largely determined by market conditions.
    - b. Townhome designs will be architecturally similar to sample elevations provided. Provide an explanation of what features will be used. Staff recommends providing a design handbook or guide to clearly show the anticipated character of the development. It is agreed that designs will be similar to sample elevations provided; more details of the features and possibly a handbook can be provided once an architect is engaged to prepare actual building plans.

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

Reviewed (site plan)

Compliance with Items 1-14 will be demonstrated at final site plan and building permit stages of this development.

1. Needed Fire Flow for construction is determined by the ISO method.
2. No new construction can occur that creates a Needed Fire Flow greater than the available fire flow on site.
3. Fire hydrants must be within 500' of all road frontages. Placed a Minimum of 3' from property lines.
4. Maintain 20' width for streets, 13'6" clear height.
5. Provide "no street parking" signage at street entrances, cul de sacs, private alleys (where alley is part of fire access) provide "no parking signage at fire hydrants". Indicate sign types and locations on construction plans for TRC approval.
6. Mark fire hydrant's locations in the center of road/street with blue reflectors per UDO.
7. Dwellings greater than 4800 sq. ft. and/or greater than 2 stories will be calculated using the ISO commercial method for fire flow requirements.
8. Dwellings 4800 sq. ft. and no greater than 2 stories may use setbacks as indicated in the ISO method to determine Needed Fire Flow.
9. Cluster mailbox units must be accessible (accessible route, reach ranges).
10. Accessible routes must be provided to all amenities such as pools, boardwalks, piers, docks, and other amenities within the development. Plans must be designed to the NC Building Code design loads and structures must meet ADA requirements.
11. Curb cuts at vehicular traffic areas and pedestrian crossings must be ADA compliant and have detectable warning devices installed.
12. Soil engineering reports for footings will be required for lots that have fill placed on them where the footings do not rest at a minimum of 12" below grade on undisturbed natural soil. Site preparation, the area within the foundation walls shall have all vegetation, topsoil and foreign material removed.
13. Compaction testing will be required for slabs and thickened footing areas that exceed 24" of fill. Fill material shall be free of vegetation and foreign material. The fill shall be compacted to ensure uniform support of the slab, and except where approved, the fill depths shall not exceed 24 inches for clean sand or gravel and 8 inches (203 mm) for earth. Where fill has been placed on unsuitable soils a soil evaluation will still be required for the site that fill is being placed.
14. A formal letter from the sewer service provider for the intent to provide sewer service on each lot submitted for building permit issuance. Before a final electrical inspection (permanent electrical service) is performed, a formal letter submitted from the service provider that the sewer connection has been completed for that lot.

**Currituck County Public Utilities (Eric Weatherly, 252-232-6035)**

Reviewed

1. In order for the county to allow this property to connect to the county wastewater system, a resolution must be adopted by the BOC.  
The applicant is seeking such a resolution.

**Currituck Fire and Emergency Medical Services (Chief Ralph Melton, 252-232-7746)**

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

Reviewed

1. Realign the north ditch on site to be maintained by the applicant/association. Keep hardwoods off the ditch bank.  
It has been determined that the majority of the northern ditch is on other property; the applicant/association can maintain the portion that crosses the development site.

**Stormwater Review, (McAdams, Stormwater Consultant)**

Reviewed

1. See attached

**Currituck County Public Utilities – Water Backflow (Chas Sawyer, 252-202-1692)**

No comment

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

Reviewed

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

Reviewed

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

No comment

**Currituck County Public Utilities - Water (Dave Spence 252-232-4152)**

Reviewed

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

Reviewed

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

Understood; no impacts to wetlands or WOTUS are being proposed.

**Mediacom (252-482-5583)**

See attached letter.

**US Post Office**

Contact the local post office for mail delivery requirements.

The CBU is being designed in accordance with USPS standards.

Comments not received from:

**Albemarle Regional Health Services (Kevin Carver, 252-232-6603)**

**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](mailto: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 21<sup>st</sup> 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.

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

**About Mediacom Communications**

Mediacom Communications Corporation is the 5<sup>th</sup> 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](http://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*

Kim Mason  
Operations Director, North Carolina

May 9, 2023

Donna Voliva

[donna.voliva@currituckcountync.gov](mailto:donna.voliva@currituckcountync.gov)

Currituck Historic Courthouse

153 Courthouse Road

Suite 110

Currituck, North Carolina 27929

**RE: Currituck County Stormwater Development Review - OSPEC23074.00  
Grandy Village Townhomes – 6477 Caratoke Highway, Grandy, NC  
Parcel IDs – 0107-000-051D-0000, 0107-000-051E-0000, 0107-000-0053-0000, 0107-000-054A-0000  
Mainland Stormwater Management Zone  
Conditional Rezoning Review  
Project ID # PB 23-13**

Dear Ms. Voliva,

McAdams has reviewed the above-referenced project that was received on May 1, 2023 and reviewed on May 8, 2023. The project has been reviewed for general stormwater recommendations, which are detailed on the following page and attached exhibit with markups.

Sincerely,

**MCADAMS**

Daniel Wiebke PE, CFM  
Project Manager, Water Resources

Kathleen Balaze, EI  
Assistant Project Manager, Water Resources

## **STORMWATER DEVELOPMENT RECOMMENDATIONS**

Conditional rezoning application for change from General Business (GB) and Single-Family Residential -Mainland (SFM) to Mixed Residential (MXR).

### **SUGGESTED ZONING CONDITIONS**

Due to the increase in density and, the following zoning conditions are suggested:

1. Treat the commercial development portions with stormwater control measure (SCMs) that promote infiltration and/or are vegetated such as permeable pavement or bioretention.

*This suggestion will be considered during the final design of the commercial area.*

2. Incorporate features such as sidewalks/boardwalks around the proposed pond SCMs so they can be used as amenities.

*A trail is being proposed part-way around the pond, along with a small beach area.*

### **GENERAL COMMENTS FOR INFORMATION**

1. Portions of the site are located within the FEMA Zone AE. Refer to Chapter 7.4 of the Currituck County UDO for associated restrictions and ensure flood certificates are obtained if applicable.

*This will be considered during final site design. It appears that no buildings are being proposed within the AE zone.*

2. Ensure that the existing pond is not deemed jurisdictional and is not buffered. Please note jurisdictional/existing ponds may only be used for detention, not water quality treatment.

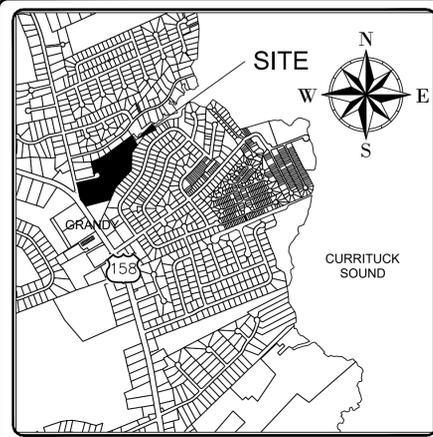
*The existing pond is not jurisdictional and therefore not buffered.*

3. As the site will be phased, any proposed SCMs that will treat multiple phases should be designed to provide detention for the maximum proposed impervious for subsequent phases. Given the density of the site, ensure the proposed SCMs are large enough to provide sufficient detention to comply with the UDO.

*The BMP will be constructed in its entirety with phase 1. Modeling will be performed during final design to assure adequate storage.*

4. Consider incorporating stormwater control measure (SCMs) that promote infiltration such as permeable pavement to reduce required detention throughout the site.

*This suggestion will be considered during final design. The emergency vehicular turn-around areas will definitely be constructed of porous materials.*

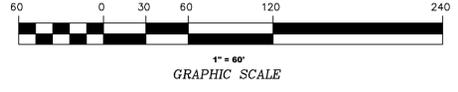


**DEVELOPMENT DATA:**

- PROJECT NAME: GRANDY VILLAGE TOWNHOMES
- DEVELOPER: W&J LAND DEVELOPMENT, LLC  
103 43RD STREET  
VIRGINIA BEACH, VA 23451  
(757) 477-1469  
wgs@cox.net
- PROPERTY OWNERS: W&J LAND DEVELOPMENT, LLC  
PAMELA K. AUSTIN-YOUNGER  
104 MIMOSA LANE  
GRANDY, NC 27939 (kwzickles@gmail.com)  
252-207-4597  
PATRICIA B. AUSTIN  
105 MIMOSA LANE  
GRANDY, NC 27939 (patngaryaustin@yahoo.com)
- PROPERTY ADDRESS: 6477 CARATOKE HIGHWAY  
GRANDY, NC 27939
- F.I.R.M. DATA: ZONES X, SHADED X & AE (4 FT), PER F.I.R.M. MAP NO. 372099220 K, ALL HAVING AN EFFECTIVE DATE DECEMBER 21, 2018. USE OF LAND WITHIN A FLOODWAY OR FLOOD PLAN IS SUBSTANTIALLY RESTRICTED BY CHAPTER 7 OF THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.
- PROPERTY DATA:  
PIN #'S: 0107-000-0510-0000, 0107-000-051E-0000,  
0107-000-0053-0000 & 0107-000-054A-0000  
RECORDED REFERENCES: D.B. 1559, PG. 358; D.B. 19, PG. E/2  
PL. L, SL. 66; PL. I, SL. 4  
PROPERTY ZONING: EXISTING: GB & SFM  
PROPOSED: C-MXR  
ACREAGE: 13.39 AC.± (12.34 AC. NET OF WATERWAY)  
(12.54 AC. NET AFTER VACATING CUL-DE-SAC R/W)  
COMMERCIAL: 3.15 AC. (NET)  
RESIDENTIAL: 9.39 AC. (NET)
- PROPOSED DEVELOPMENT:  
COMMERCIAL: USES PERMITTED IN MXR DISTRICT  
RESIDENTIAL: 50 TOWNHOMES  
RESIDENTIAL DENSITY: 3.99 D.U. PER NET ACRE.
- OPEN SPACE:  
LAND USE NET DEV. AREA PERCENT REQUIRED PROPOSED  
COMMERCIAL 3.15 AC.± 10% 0.32 AC. 0.68 AC.±  
MULTI-FAMILY 9.39 AC.± 35% 3.29 AC. 4.02 AC.±  
TOTALS: 3.81 AC. 4.70 AC.±
- RESIDENTIAL UNIT PHASING:  
PHASE # UNITS OTHER  
1 18 BMP, PICNIC AREA, TRASH ENCLOSURE  
2 16 BEACH AMENITY  
3 16 TOT LOT
- PARKING REQUIRED:  
RESIDENTIAL: 1.8 SPACES/30 UNITS = 90 SPACES 130 SPACES PROVIDED  
COMMERCIAL: 1 SPACE/300 S.F. ± 18,000 S.F.± = 60 SPACES 60 SPACES PROVIDED
- AMENITIES:  
• PICNIC AREA  
• WILDLIFE OBSERVATION DECK & BOARDWALK  
• WALKWAYS  
• BEACH AMENITY  
• TOT LOT

**OPEN SPACE LEGEND**

OPEN SPACE	SYMBOL	AREA
COMMERCIAL		0.68 AC.
RESIDENTIAL		5.46 AC.



**BISSELL PROFESSIONAL GROUP**  
 Bissell Professional Group  
 Firm License # C-956  
 1000 North Carolina Highway  
 Kitty Hawk, North Carolina 27949  
 P.O. Box 1009  
 Kitty Hawk, North Carolina 27949  
 FAX (252) 381-1760

**RENDERED CONCEPTUAL SKETCH PLAN**

**GRANDY VILLAGE TOWNHOMES**  
 TOWN OF GRANDY  
 CURRITUCK COUNTY  
 NORTH CAROLINA

**CONDITIONAL REZONING EXHIBIT**

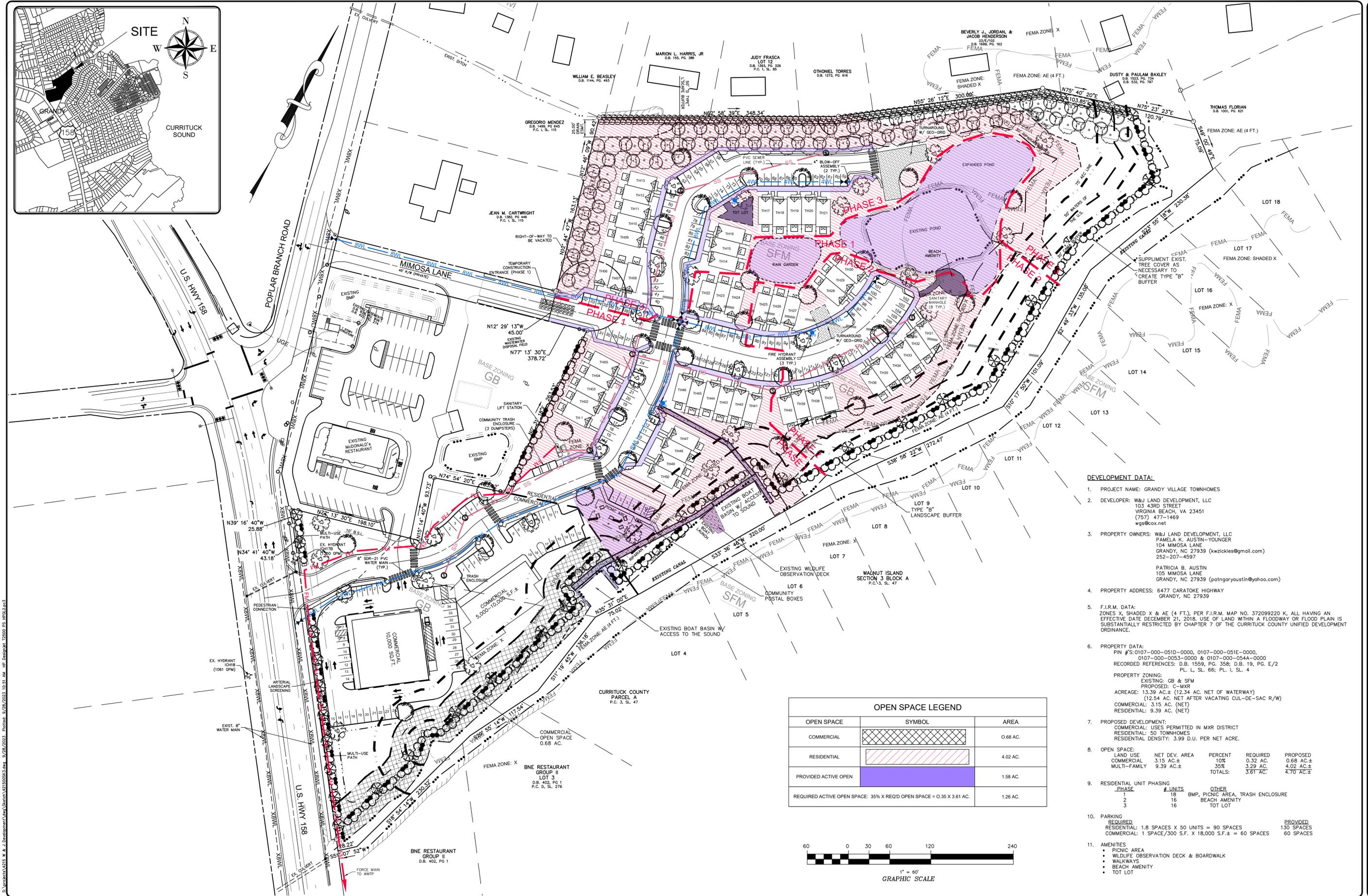
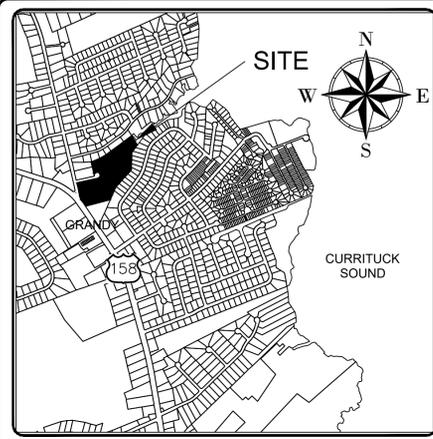
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NO.	DATE	DESCRIPTION	BY	CHKD
1	8/18/23	ISSUE FOR COMMENTS		

**PRELIMINARY**  
**DO NOT USE FOR CONSTRUCTION**

DATE: 04/24/23 SCALE: 1"=60'  
 DESIGNED: BPG CHECKED: MSB  
 DRAWN: KFW APPROVED: BPG  
 SHEET: 1 OF 2  
 CAD FILE: 421500SK3  
 PROJECT NO: 4215

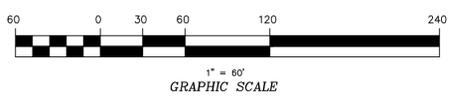
9/28/2023 10:50 AM HP Desktop 12500 PS HPCL2.pcl  
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 9/28/2023 10:50 AM HP Desktop 12500 PS HPCL2.pcl



**DEVELOPMENT DATA:**

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- DEVELOPER: W&J LAND DEVELOPMENT, LLC  
103 43RD STREET  
VIRGINIA BEACH, VA 23451  
(757) 477-1469  
wjs@cox.net
- PROPERTY OWNERS: W&J LAND DEVELOPMENT, LLC  
PAMELA K. AUSTIN-YOUNGER  
104 MIMOSA LANE  
GRANDY, NC 27939 (kwzickies@gmail.com)  
252-207-4597  
  
PATRICIA B. AUSTIN  
105 MIMOSA LANE  
GRANDY, NC 27939 (patngaryustin@yahoo.com)
- PROPERTY ADDRESS: 6477 CARATOKE HIGHWAY  
GRANDY, NC 27939
- F.I.R.M. DATA:  
SHADED X & AE (4 FT.), PER F.I.R.M. MAP NO. 372099220 K, ALL HAVING AN EFFECTIVE DATE DECEMBER 21, 2018. USE OF LAND WITHIN A FLOODWAY OR FLOOD PLAN IS SUBSTANTIALLY RESTRICTED BY CHAPTER 7 OF THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.
- PROPERTY DATA:  
PIN #S: 0107-000-0510-0000, 0107-000-0516-0000,  
0107-000-0053-0000 & 0107-000-0544-0000  
RECORDED REFERENCES: D.B. 1559, PG. 358; D.B. 19, PG. E/2  
PL. L, SL. 66; PL. I, SL. 4  
  
PROPERTY ZONING:  
EXISTING: GB & SFM  
PROPOSED: C-MXR  
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PHASE # UNITS OTHER  
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2 16 BEACH AMENITY  
3 16 TOT LOT
- PARKING:  
REQUIRED: RESIDENTIAL: 1.8 SPACES X 50 UNITS = 90 SPACES PROVIDED: 130 SPACES  
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• WILDLIFE OBSERVATION DECK & BOARDWALK  
• WALKWAYS  
• BEACH AMENITY  
• TOT LOT

OPEN SPACE LEGEND		
OPEN SPACE	SYMBOL	AREA
COMMERCIAL		0.68 AC.
RESIDENTIAL		4.02 AC.
PROVIDED ACTIVE OPEN		1.58 AC.
REQUIRED ACTIVE OPEN SPACE: 35% X REQ'D OPEN SPACE = 0.35 X 3.61 AC.		1.26 AC.



**BISSELL PROFESSIONAL GROUP**  
 Engineers, Planners, Surveyors  
 and Environmental Specialists  
 1000 North Carolina Highway 27949  
 Kitty Hawk, North Carolina 27949  
 P.O. Box 1009  
 Kitty Hawk, NC 27949  
 TEL: (252) 381-1760  
 FAX: (252) 381-1760

**CONCEPTUAL SKETCH PLAN & OPEN SPACE EXHIBIT**

**GRANDY VILLAGE TOWNHOMES**  
 TOWN OF GRANDY  
 CURRITUCK COUNTY  
 NORTH CAROLINA

**CONDITIONAL REZONING EXHIBIT**

NO.	DATE	REVISIONS	BY

DATE: 09/27/23 SCALE: 1"=60'  
 DESIGNED: BPG CHECKED: MSB  
 DRAWN: KFW APPROVED: BPG  
 SHEET: 2 OF 2  
 CAD FILE: 421500SK3  
 PROJECT NO: 4215

**PRELIMINARY**  
**DO NOT USE FOR CONSTRUCTION**

**U.S. ARMY CORPS OF ENGINEERS**  
**WILMINGTON DISTRICT**

Action Id. SAW-2023-01380 County: Currituck U.S.G.S. Quad: NC-Camden Point

**NOTIFICATION OF JURISDICTIONAL DETERMINATION**

Requestor: W&J Land Development, LLC  
Mr. James B. Braithwaite  
Address: 109 43rd Street  
Virginia Beach, Virginia 23541  
Telephone Number: (252) 202-2107  
E-mail: jb@allisholdings.com

Size (acres)	<u>13.26</u>	Nearest Town	<u>Grandy</u>
Nearest Waterway	<u>Dowdy Bay</u>	River Basin	<u>Albemarle-Chowan</u>
USGS HUC	<u>03010205</u>	Coordinates	Latitude: <u>36.241781</u> Longitude: <u>-75.876724</u>

Location description: The review area for this jurisdictional determination is 13.26-acre tract composed of 4 lots known as Parcel Numbers 0107000054A0000, 010700000530000, 0107000051D0000, and 0107000051E0000 located at 6477 and 6467 Caratoke Highway and 104 and 105 Mimosa Lane in Grandy, Currituck County, North Carolina. The review area contains approximately 1.484 acres of potential wetlands and 0.92 acres of potential non-wetland waters.

**Indicate Which of the Following Apply:**

**A. Preliminary Determination**

- There appear to be **waters, including wetlands** on the above described project area/property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The **waters, including wetlands** have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. The approximate boundaries of these waters are shown on the enclosed delineation map dated 9/27/2023. Therefore, this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.
- There appear to be **waters, including wetlands** on the above described project area/property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the **waters, including wetlands** have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the **waters, including wetlands** at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the **waters, including wetlands** on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

**B. Approved Determination**

- There are Navigable Waters of the United States within the above described project area/property subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are **waters, including wetlands** on the above-described project area/property subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

**SAW-2023-01380**

- The **waters, including wetlands** have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on **DATE**. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are no waters of the U.S., to include wetlands, present on the above-described project area/property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in **in Elizabeth City, NC, at (252) 264-3901** to determine their requirements.

Placement of dredged or fill material within waters of the US, including wetlands, without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). Placement of dredged or fill material, construction or placement of structures, or work within navigable waters of the United States without a Department of the Army permit may constitute a violation of Sections 9 and/or 10 of the Rivers and Harbors Act (33 USC § 401 and/or 403). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Anthony D. Scarbraugh at 910 251-4619 or anthony.d.scarbraugh@usace.army.mil.**

**C. Basis For Determination: The waters including wetlands within the review area were delineated using the Corps of Engineers 1987 Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement Version 2.0. The wetlands are adjacent to unnamed tributary that has a continuous surface connection to the Dowdy Bay, which is within the Pasquotank River Basin**

**D. Remarks: The potential wetlands and non-wetland waters within the review area are depicted on the attached Survey entitled, "Potential Wetland Location", dated September 27, 2023.**

**E. Attention USDA Program Participants**

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

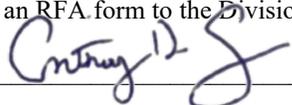
**F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)**

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

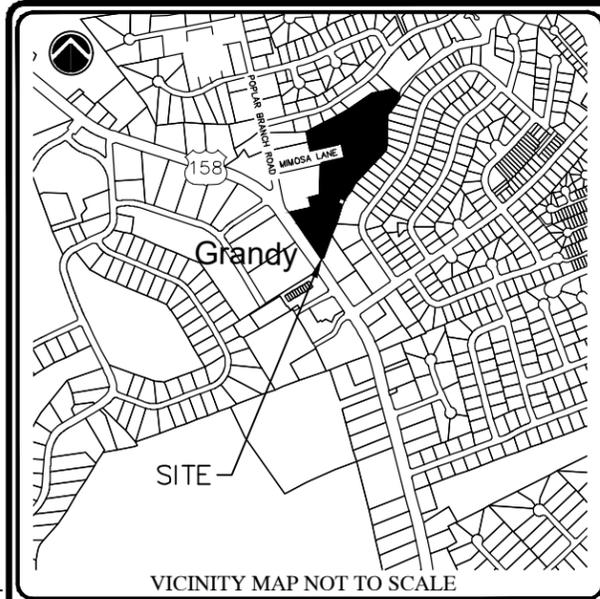
US Army Corps of Engineers  
South Atlantic Division  
Attn: Mr. Philip A. Shannin  
Administrative Appeal Review Officer  
60 Forsyth Street SW, Floor M9  
Atlanta, Georgia 30303-8803  
Phone: (404) 562-5136  
**AND PHILIP.A.SHANNIN@USACE.ARMY.MIL**

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **Not applicable**.

\*\*It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.\*\*

Corps Regulatory Official:  \_\_\_\_\_

Date of JD: **09/27/2023** Expiration Date of JD: **Not applicable**



LEGEND	
[Symbol]	WETLANDS
[Symbol]	RIGHT-OF-WAY
[Symbol]	PROPERTY BOUNDARY
[Symbol]	ADJOINING PROPERTY LINE
[Symbol]	SHORELINE
[Symbol]	EXISTING CONCRETE MONUMENT
[Symbol]	SET CONCRETE MONUMENT
[Symbol]	SET IRON ROD
[Symbol]	EXISTING IRON ROD
[Symbol]	EXISTING IRON PIPE
[Symbol]	PINCHED PIPE
[Symbol]	TELEPHONE PEDESTAL
[Symbol]	UTILITY POLE
[Symbol]	OVERHEAD UTILITY LINES
[Symbol]	GUY WIRE
[Symbol]	EXISTING SPOT GROUND ELEVATION
[Symbol]	WATER METER
[Symbol]	STREET ADDRESS
[Symbol]	M.T.S.
[Symbol]	PLAT CABINET
[Symbol]	D.B.
[Symbol]	SL
[Symbol]	SF / SQ.FT.
[Symbol]	AC

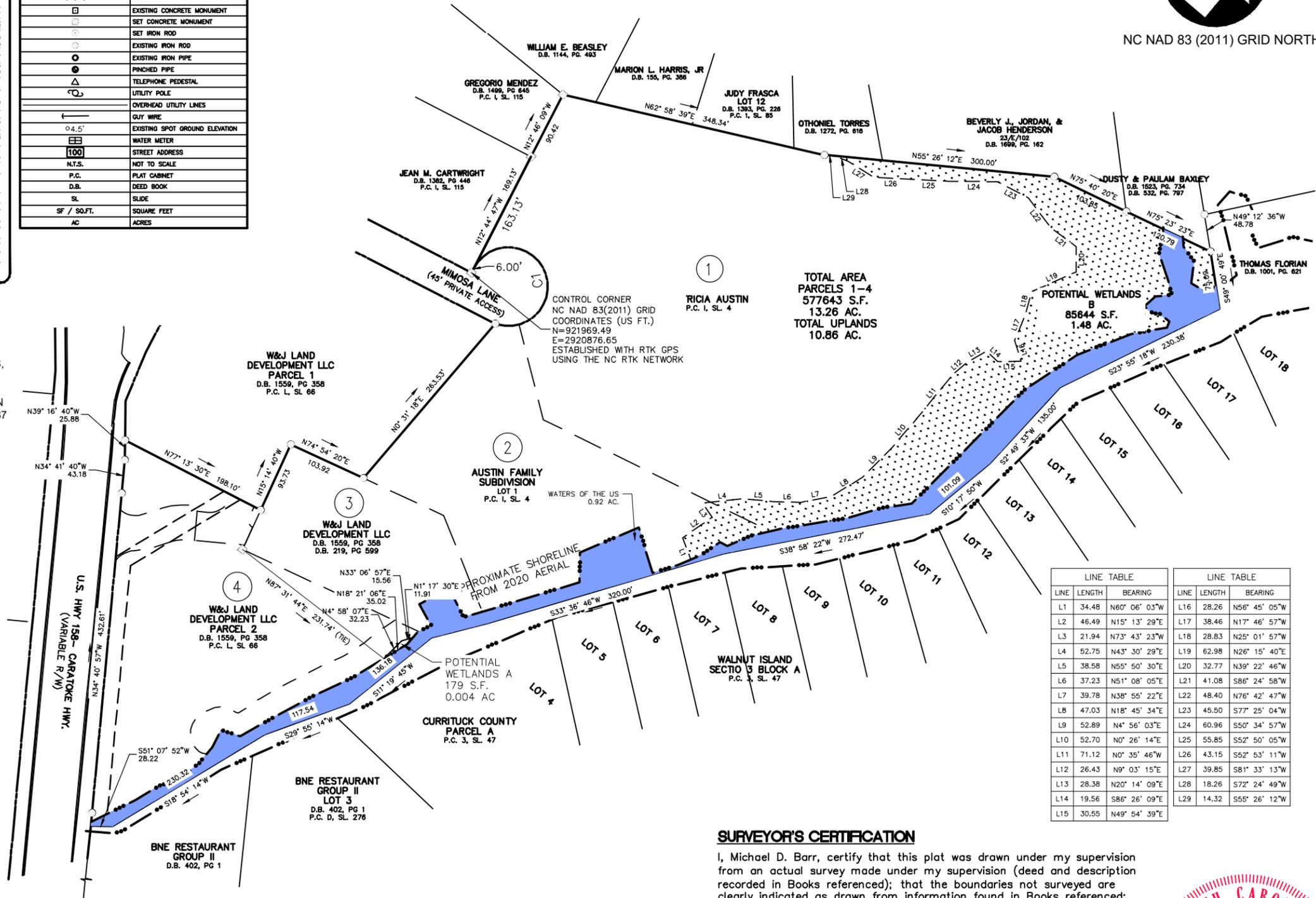


NC NAD 83 (2011) GRID NORTH

THIS CERTIFIES THAT THIS COPY OF THIS PLAT ACCURATELY DEPICTS THE BOUNDARY OF THE POTENTIAL JURISDICTIONAL WETLANDS OF THE SECTION 404 OF THE CLEAN WATER ACT AS DETERMINED BY THE UNDERSIGNED ON THIS DATE. UNLESS THERE IS CHANGE IN THE LAW OR OUR PUBLISHED REGULATIONS, THIS DETERMINATION OF SECTION 404 JURISDICTION MAY BE RELIED UPON FOR A PERIOD NOT TO EXCEED FIVE YEARS FROM THIS DATE. THE UNDERSIGNED COMPLETED THIS DETERMINATION UTILIZING THE APPROPRIATE REGIONAL SUPPLEMENT TO THE 1987 ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, 33 C.F.R. PART 328 AND OTHER U.S. ARMY CORPS OF ENGINEERS GUIDANCE."

REGULATORY OFFICIAL \_\_\_\_\_  
 TITLE \_\_\_\_\_  
 DATE \_\_\_\_\_  
 USACE ACTION ID \_\_\_\_\_

- NOTES:**
1. AREA DETERMINED BY COORDINATE METHOD.
  2. IRON PINS AT ALL LOT CORNERS UNLESS OTHERWISE NOTED HEREON.
  3. WETLAND FLAGS WERE SET BY DOUG DORMAN AND FIELD LOCATED 8/2023.
  4. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. PIN NO.: 0107-000-054A-0000; 0107000-0053-0000; 0107-000-051D-0000; 0107-000-051E-0000
  5. RECORDED REFERENCE: AS NOTED
  6. PROPERTY OWNER(S): W & J LAND DEVELOPMENT, LLC
  7. PROPERTY ADDRESS: 6477 CARATOKE HWY.



TOTAL AREA PARCELS 1-4  
 577643 S.F.  
 13.26 AC.  
 TOTAL UPLANDS  
 10.86 AC.

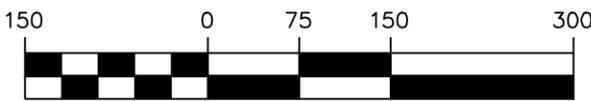
LINE TABLE			LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	34.48	N60° 06' 03"W	L16	28.26	N56° 45' 05"W
L2	46.49	N15° 13' 29"E	L17	38.46	N17° 46' 57"W
L3	21.94	N73° 43' 23"W	L18	28.83	N25° 01' 57"W
L4	52.75	N43° 30' 29"E	L19	62.98	N26° 15' 40"E
L5	38.58	N55° 50' 30"E	L20	32.77	N39° 22' 46"W
L6	37.23	N51° 08' 05"E	L21	41.08	S86° 24' 58"W
L7	39.78	N38° 55' 22"E	L22	48.40	N76° 42' 47"W
L8	47.03	N18° 45' 34"E	L23	45.50	S77° 25' 04"W
L9	52.89	N4° 56' 03"E	L24	60.96	S50° 34' 57"W
L10	52.70	N0° 26' 14"E	L25	55.85	S52° 50' 05"W
L11	71.12	N0° 35' 46"W	L26	43.15	S52° 53' 11"W
L12	26.43	N9° 03' 15"E	L27	39.85	S81° 33' 13"W
L13	28.38	N20° 14' 09"E	L28	18.26	S72° 24' 49"W
L14	19.56	S86° 26' 09"E	L29	14.32	S55° 26' 12"W
L15	30.55	N49° 54' 39"E			

**SURVEYOR'S CERTIFICATION**

I, Michael D. Barr, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed and description recorded in Books referenced); that the boundaries not surveyed are clearly indicated as drawn from information found in Books referenced; that the ratio of precision or positional accuracy is 1:10,000; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600)."

Witness my original signature, registration number and seal this 27th day of SEPTEMBER A.D. 2023.

DocuSigned by:  
  
 Professional Land Surveyor L-1756  
 C6DA34EC9CBF428...



1" = 150'  
 GRAPHIC SCALE

**BISSELL**  
 PROFESSIONAL GROUP  
 Engineers, Planners, Surveyors and Environmental Specialists

PROJECT: **W&J LAND DEVELOPMENT LLC**  
 POPLAR BRANCH ML, CURRITUCK COUNTY, NORTH CAROLINA  
**POTENTIAL WETLAND LOCATION**

NO.	DATE	DESCRIPTION	BY	MDB
1	9-12-23	WETLANDS A		

DATE: 08-30-23 SCALE: 1"=150'  
 DESIGNED: CHECKED: MSB  
 DRAWN: MDB APPROVED: BPG  
 SHEET: 1 of 1  
 CAD FILE: 421500WL1  
 PROJECT NO: 4215

S:\projects\4215 W & J Development\dwg\Wetlands 2023\421500WL1.DWG 9/27/2023 8:53 AM EPSON SC-T3100 Series.pcl

**SAW-2023-01380**

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0)

Copy furnished:

Agent: **Atlantic Environmental Consultants, LLC**  
**Mr. Doug Dorman**  
Address: **Post Office Box 3266**  
**Kitty Hawk, North Carolina 27949**  
Telephone Number: **(252) 599-2603**  
E-mail: **dougdaec@gmail.com**

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: <b><u>W&amp;J Land Development, LLC, Mr. James B. Braithwaite</u></b>	File Number: <b><u>SAW-2023-01380</u></b>	Date: <b><u>09/27/2023</u></b>
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL WITHOUT PREJUDICE	C
<input type="checkbox"/>	PERMIT DENIAL WITH PREJUDICE	D
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	E
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	F

**SECTION I**  
The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit

- ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable**

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

**D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial**

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration**

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

**F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable**

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision you may contact:  
District Engineer, Wilmington Regulatory Division  
Attn: Anthony D. Scarbraugh  
Washington Regulatory Office  
U.S Army Corps of Engineers  
2407 West Fifth Street  
Washington, North Carolina 27889

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:  
Philip Shannin  
Regulatory Appeals Review Officer  
South Atlantic Division  
60 Forsyth St SW, Floor M9  
Atlanta, Georgia 30303-8803

[Philip.A.Shannin2@usace.army.mil](mailto:Philip.A.Shannin2@usace.army.mil)  
404-562-5136

**SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number:

## Mark Bissell

---

**Subject:** FW:

---

**From:** Doug Dorman <dougdaec@gmail.com>  
**Sent:** Thursday, July 06, 2023 4:28 PM  
**To:** jim braithwaite <jb@allisholdings.com>  
**Cc:** Whitt Sessoms <wgs@cox.net>; Mark Bissell <mark@bissellprofessionalgroup.com>; Neysi <neysigomez90@gmail.com>; Paul O'Neal <poneal@towneinsurance.com>; matt price <ghostpusher@gmail.com>  
**Subject:** Re:

Jim,  
There are no coastal wetlands on site and this has been verified with NC DCM. I have not met with the Corp on site yet but they have not changed anything with their rules and currently have jurisdiction on the wetlands on site.

Doug

Doug Dorman  
Atlantic Environmental Consultants, LLC  
PO Box 3266  
Kitty Hawk, NC 27949  
252-261-7707 office  
252-599-2603 cell

