

May 22, 2025

Jennie Turner
Currituck County
Planning & Community Development
153 Courthouse Road, Suite 110
Currituck, North Carolina 27949

Re: Conditional Rezoning Application
Conditional Rezoning and Land Use Plan Amendment – Currituck Way
Powells Point, Currituck County, North Carolina

Ms. Turner,

Thank you for the TRC review comments for the Conditional Rezoning Application submittal of the above referenced project dated May 15, 2025. On behalf of Currituck Way LLC, WithersRavenel, hereby submits, for your review and approval, the following documentation:

1. One (1) PDF digital copy of the application.
2. One (1) PDF digital copy of the NCSOS form.
3. One (1) PDF digital copy of the Approved Jurisdictional Determination.
4. One (1) PDF digital copy of the revised Plan Set.

Please find our responses listed below in **green** to your review comments.

Planning, Jason Litteral, 252-232-6019

1. The application is incomplete. Please submit an application including all property owners with signatures of each, or confirm all parcels involved are under the same ownership.

The property does not have multiple property owners. Please see the attached revised application that shows the owner signing for both LLCs. Please also see the attached NCSOS form that shows James Rose as the registered agent for Currituck Way, LLC and it's previous legal name, ITAC 423, LLC.

2. Please provide the JD showing there are no wetlands on the property
Acknowledged. Please see the attached Approved Jurisdictional Determination that shows that there are no wetlands on the property.



3. There were no changes to the proposed zoning conditions in the application. Meeting the minimum requirements of the UDO is not an appropriate zoning condition. Please remove UDO requirements of the ordinance from the application and propose zoning conditions that address inconsistencies with the land use plan and can be agreed upon by the applicant and the Board of Commissioners.

Acknowledged. Please see the attached revised application that has been omitted of any UDO requirements from the proposed zoning conditions section and also proposed additional zoning conditions.

4. *Show the proposed phasing plan and the specific amenities associated with each phase.* Please list the initial amenities that will be constructed in phase 1 of the project and provide a complete phasing plan.

Acknowledged. Please see the attached revised plan set which shows the specific amenities and phasing listed within plan notes.

5. Change the plan references to “open areas” to open space since this is the nomenclature used in the UDO.

Acknowledged. Please see the attached revised plan set which shows references to open space in place of open areas.

6. What will be the proposed type of development? Zero Lot Line or other type? Will accessory structures be prohibited or have they been considered with regard to lot boundaries and open space? Please show the proposed lot boundaries if appropriate. Prohibiting accessory structures could be a potential zoning condition. The Applicant would like the flexibility of having zero lot line for townhome unit footprints. The applicant has also agreed to a zoning condition of no accessory structures.

7. This conditional rezoning request may be considered spot zoning. The following article by the UNC School of Government may be useful: <https://www.sog.unc.edu/resources/legal-summaries/spot-zoning>. Please consider the following factors, if applicable.

- a. the size and physical attributes of the site;
- b. the benefits and detriments to the landowner, the neighbors, and the community;



- c. how the actual and previously permitted uses of the site relate to newly permitted uses;
- d. any changed conditions warranting the amendment; and
- e. other factors affecting the public interest.

The Applicant's counsel does not deem the proposed conditional rezoning as spot zoning.

8. It is not clear that the proposed development meets the Multi-Family Design Standards or the Community Compatibility Standards. There is concern that compliance with these sections may result in significant changes to the conceptual plan. Any significant changes to conceptual plan may require an amendment to the conditional rezoning in accordance with section 2.3.14 Amendment of Development Approval. The ordinance allows the following minor modifications to the conceptual plan:

I. Minor Modifications

(I) Minor Modifications from Approved Conceptual Development Plan

Subsequent plans and permits for development within a conditional zoning district may include minor modifications from the approved conceptual development plan, provided such modifications are limited to changes addressing technical considerations that could not reasonably be anticipated during the conditional zoning classification process, or any other change that has no material effect on the character of the approved development. Changes in the following design features that are not specifically addressed in mutually agreed conditions of approval shall constitute minor modifications that may be approved by the Director:

- (a)** Driveway locations, internal vehicular circulation patterns and parking area configuration and pedestrian circulation;
- (b)** Structure floor plan revisions;

Acknowledged. The Applicant does not anticipate substantial changes to the conceptual development plan if approved as shown. It is acknowledged that the plan will slightly change to show pedestrian walkways to the relocated primary entries for buildings facing the exterior roadways, which will connect to other proposed pathways.



- (c) Minor shifts in building size, changes to the arrangement or location of buildings;
- (d) Minor changes to the proposed building elevations or façade, including materials, provided the change retains the same architectural character;
- (e) Decrease in development intensity including density;
- (f) Increase in nonresidential floor area of no more than 10 percent;
- (g) Open space configuration or location of required or proposed amenities;
- (h) Changes to configuration or species of plantings for landscape buffers; and
- (i) Facility design modifications for amenities and the like.

(2) Material Changes are Amendments

Changes that materially affect the basic configuration of the approved conceptual development plan are not considered minor modifications, and shall only be changed as amendments to the conditional rezoning in accordance with Section 2.3.14, Amendment of Development Approval.

J. Amendment

Applicable (see Section 2.3.14).

K. Expiration

Not applicable.

Please address letter (b) below from the Multi Family Design Standards. This will require a primary entrance to be added to the street facing building facades.

B. Building Placement

(I) Building Orientation and Entryways

- (a) The primary entrance of a single building development shall face the street.
- (b) Multi-building development shall create a street edge and be configured so that the primary building entrances are oriented towards external streets, when possible.
- (c) All buildings with shared entrances shall be oriented so that primary entrances face the street. In case of corner lots, the primary entrance(s) shall face the street from which the building derives its street address (see Figure 5.7.3.B.1, Multi-family Development Orientation).
- (d) Individual multi-family buildings shall be configured so that no single building exceeds 200 linear feet in any direction.
- (e) Long corridors and hidden entrance(s) to buildings shall be avoided.
- (f) Buildings that do not have a direct and visible pedestrian entrance from a public street shall, at a minimum, have windows or patios facing the street. A Type A perimeter buffer shall be provided between the side and/or rear building façade and the street.
- (g) Common open spaces and children's play areas shall be clearly visible from the dwelling units on the site.



In order to meet the façade articulation section below, the following is required.

1. The plans technically meet the requirement for (i), but you were going to check on balancing the building with more dormers on the side that doesn't have any.
2. Indicate on the elevations that the trim for the windows and the eaves will be a minimum of 4 inches. This will meet the requirements for both (iv) and (vi) below.

C. Building Design

(1) Maximum Height

Buildings subject to the standards of this section shall have a maximum height of two stories within 100 feet of a lot with an existing single-family detached residential dwelling, without an intervening public street. This standard shall apply regardless of any incentives, administrative adjustments, or master plans.

(2) Facade Articulation

- (a)** Street-facing building facades shall be articulated with wall offsets at least two feet deep for every 30 feet of facade frontage.
- (b)** In addition to wall offsets, front facades facing streets shall provide a minimum of three of the following articulation elements (see Figure 5.7.3.C, Front Facades):
 - (i)** One or more dormer windows or cupolas;
 - (ii)** Pillars, posts or pilasters;
 - (iii)** One or more bay windows with a minimum twelve-inch projection from the facade plane;
 - (iv)** Multiple windows with a minimum of four-inch-wide trim;
 - (v)** Raised corniced parapets over the door;
 - (vi)** Eaves with a minimum of four-inch-wide trim; or
 - (vii)** Integral planters that incorporate landscaped areas and/or places for sitting.
- (c)** Side and rear facades shall maintain the architectural design, articulation, level of detail, and materials consistent with the front façade. Side and rear facades shall maintain at least ten percent of the facade area as windows.

Acknowledged. The client acknowledged that primary building entrances for buildings along Foster Forbes and Caratoke Highway will be updated to show entryways facing those respective exterior streets to demonstrate compliance. Upon receipt of the updated architectural elevations, we will forward those documents to the County for review

9. Please indicate the location of any HVAC and mechanical equipment.

Acknowledged. Location of HVAC will be indicated once building and architectural plans are finalized.

8466 Caratoke Highway, Building 400 | Powells Point, NC 27966

t: 252-491-8147 | f: 919.467.6008 | www.withersravenel.com | License No. F-1479

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10. Please consider moving the dumpster location to meet the following. We had discussed possibly moving it to the space where one of the buildings was removed from the plan.

D. Site Features

(I) Loading and Refuse Areas

Loading, service, and refuse areas shall be:

- (a)** Screened from view of single-family detached dwellings using materials that are the same as, or of equal quality to, the materials used for the principal building; or
- (b)** Incorporated into the overall design of the building and landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.

Acknowledged. The client will consider moving the dumpster location if there is a more appropriate location that is feasible to meet the above requirements.

11. Please indicate if any lighting will be used

Acknowledged. A lighting plan will be provided during Major Site Planning.

Currituck County Building and Fire Inspections (Rick Godsey, 252-232-6020)

Reviewed

Acknowledged.

Currituck County Public Utilities – Mainland Water (Brian Cafferello 252-232-2769)

Approved

Acknowledged.

Mediacom (252-482-5583)

See attached letter.

Acknowledged.

US Post Office

Contact the local post office for mail delivery requirements

Acknowledged.



WithersRavenel

Our People. Your Success.



Kim Mason, NC Area Director

kmason@mediacomcc.com

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

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

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

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

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

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

Bertie County

Colerain
Kelford
Lewiston
Powellsville
Roxobel
Windsor
Camden County
Camden
Shiloh
South Mills

Martin County

Jamesville
Northampton County
Conway
Galatia
Jackson
Rich Square
Seaboard
Severn
Woodland

Chowan County

Arrowhead / Chowan Beach
Edenton
Currituck County
Barco
Currituck
Grandy
Moyock
Point Harbor
Poplar Branch
Tulls Bay

Perquimans County

Hertford
Winfall
Tyrrell County
Columbia
Washington County
Creswell
Plymouth
Roper

About Mediacom Communications

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

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

Best regards,

Kim Mason

Kim Mason

Operations Director, North Carolina

Acknowledged.

8466 Caratoke Highway, Building 400 | Powells Point, NC 27966
t: 252-491-8147 | f: 919.467.6008 | www.withersravenel.com | License No. F-1479
Asheville | Cary | Charlotte | Greensboro | Pittsboro | Powells Point | Raleigh | Southern Pines | Wilmington



Sincerely,
WithersRavenel

A handwritten signature in black ink that reads "Nadeen". The signature is written in a cursive style with a horizontal line through the middle of the letters.

Nadeen Dashti



Conditional Rezoning Review Process

Contact Information

Currituck County
Planning and Inspections Department
153 Courthouse Road, Suite 110
Currituck, NC 27929

Phone: 252-232-3055

Website: <http://www.currituckcountync.gov/planning-zoning/>

Email: ccpz@currituckcountync.gov

Step 1: Pre-application Conference

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated development application. A pre-application conference is also intended to provide an opportunity for county staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development, as it relates to the standards in the Unified Development Ordinance (UDO).

The applicant shall submit conceptual drawings that show the location, general layout, and main elements of the development to be proposed as part of the application to the Development Services Department at least three business days before the pre-application conference.

Step 2: Community Meeting

The purpose of the community meeting is to inform owners and occupants of nearby lands about the application for a conditional rezoning that is going to be reviewed under the UDO, and to provide the applicant an opportunity to hear comments and concerns about the application as a means of resolving conflicts and outstanding issues, where possible.

Community meetings are opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by the application.

The community meeting shall comply with the following procedures:

- **Time and Place**
The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the proposed conditional rezoning.
- **Notification**
Mailed Notice
 - The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Director and to:
 - i. All owners of the land subject to the application;
 - ii. All owners of land within 500 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
 - iii. Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.

Pre-Application
Conference

Community
Meeting

Submit
Application and
Conceptual
Development

Determination of
Completeness

TRC Review and
Report

Planning
Board
Meeting /
Recommendation

Public
Notification

Schedule
Meeting and
Hearing

Board of
Commissioners
Hearing /
Decision

Notice of
Decision

Update Zoning
Map

Conditional
Rezoning

Posted Notice

- The applicant shall post notice of the community meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a form established by the Director. Signs used for posted notice shall have a minimum size of six square feet per side.

Notice Content

- The notice shall state the time and place of the meeting and the general nature of the conditional rezoning.
- **Conduct of Meeting**
At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to question and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.
- **Staff Attendance**
County staff shall attend the meeting for the purpose of advising attendees about the applicable provisions of the UDO and the land use plan but shall not serve as facilitators or become involved in discussions about the proposed conditional rezoning.
- **Written Summary of Community Meeting**
The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discuss issues related to the conditional rezoning application, and any other information the applicants deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.
- **Response to Summary**
Any person attending the community meeting may submit a written response to the applicant's meeting summary to the Director within 30 days after the application is determined complete. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant's summary of the community meeting shall be transmitted to the applicant, included with the application materials, and made available to for public inspection.

Step 3: Application Submittal and Acceptance

The applicant must submit a complete application packet on or before the application submittal date which is usually the fourth Thursday of each month. If submitting on the submittal deadline date, please call 252-232-3055 to schedule an appointment. Conditional rezoning applications may not be initiated by anyone other than the landowner(s) of the subject land. A complete application packet consists of the following:

Submitted on a USB flash drive or a compact disc (CD):

- Completed Currituck County Conditional Rezoning Application.
- Written Summary of Community Meeting.
- A conceptual development plan drawn to scale. The plan shall include the items listed in the conceptual plan design standards checklist.
- Architectural drawings and/or sketches illustrating the design and character of the proposed structures.

Applicable Fee:

- \$200 plus \$5 for each acre and/or part of an acre

Upon receiving an application, staff shall, within ten business days, determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Failure to resubmit a complete application within 45 calendar days after being determined incomplete will result in the application being considered withdrawn.

Step 4: Staff Review and Action

Once an application is determined complete, it will be distributed to the Technical Review Committee (TRC). TRC shall review the application, prepare a staff report, and provide a recommendation on the application. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the application might be mitigated.

Step 5: Advisory Body Review and Recommendation

After the TRC prepares a staff report and provides a recommendation on the application, staff shall schedule the application for a public meeting with the Planning Board. At the public meeting, the Planning Board shall consider the application, relevant support materials, staff report, and any public comments. It may suggest revisions to the proposed conditions including the conceptual plan with only those revisions agreed to in writing by the applicant being incorporated into the application. It shall then recommend approval, approval subject to revised or additional conditions agreed to by the applicant, or denial, and clearly state factors considered in making the recommendation. The Planning Board shall provide a recommendation on an application it reviews within two months from the date of its initial meeting to consider the application.

Step 6: Public Hearing Scheduling and Public Notification

After the Planning Board provides a recommendation on the application, staff shall ensure that the public hearing on it is scheduled for a regularly scheduled Board of Commissioners meeting, or a meeting specially called for by the Board of Commissioners. The required public hearing with the Board of Commissioners shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.

The application shall meet the following public notification requirements:

- **Published Notice**
Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first-time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.
- **Mailed Notice**
Staff shall be responsible for preparing and mailing a written notice between 10 and 25 days before the public hearing. Notice shall be mailed to:
 - All owners of the land subject to the application;
 - The applicant, if different from the land owner;
 - All owners of land within 500 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
 - Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.
- **Posted Notice**
At least 10 days before the public hearing, posted notice shall be made by staff. A sign shall be placed in a conspicuous location so as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

Step 7: Public Hearing Procedures, and Decision-Making Body Review and Decision

The applicant must be in attendance at the public hearing. During the public hearing, the Director will present the staff report and any review body findings and recommendation to the Board. The applicant will then have the opportunity to present any information they deem appropriate. The burden of demonstrating that an application complies with applicable review and approval standards of the UDO is on the applicant. The public may be permitted to speak in accordance with the Board of Commissioners rules of procedure, or at their discretion, as appropriate, in support of or in opposition to the application. The applicant and Director may respond to any comments, documents, or materials presented.

The Board of Commissioners shall make one of the following decisions on the application:

- Approval of the conditional rezoning subject to the conditions included in the application;
- Approval of the conditional rezoning subject to any revised or additional conditions agreed to by the applicant, in writing;

- Denial of the conditional rezoning; or
- Remand of the conditional rezoning application back to the Planning Board for further consideration.

A conditional rezoning 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 conditional rezoning, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the application:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
- Is in conflict with any provision of the UDO, or the County Code of Ordinances;
- Is required by changed conditions;
- Addresses a demonstrated community need;
- 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;
- Adversely impacts nearby lands;
- Would result in a logical and orderly development pattern;
- 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;
- 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.);
- Would not result in significantly adverse impacts on the land values in the surrounding area; and
- Would not conflict with the public interest, and is in harmony with the purposes and intent of the UDO.



Conditional Rezoning Application

OFFICIAL USE ONLY:

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

Contact Information**APPLICANT:**Name: Currituck Way, LLC, FKA ITAC 423 LLCAddress: 353 SOUNDVIEW DR
KILL DEVIL HILLS, NC 27948Telephone: 252.202.1292E-Mail Address: jimobx@aol.com**PROPERTY OWNER:**Name: SameAddress: _____

Telephone: _____

E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Self**Property Information**Physical Street Address: 0 CARATOKE HwyLocation: Powells Point, NC 27966Parcel Identification Number(s): 012300000950000Total Parcel(s) Acreage: 20.1Existing Land Use of Property: Vacant**Request**Current Zoning of Property: AGProposed Zoning District: C-MXR**Community Meeting**Date Meeting Held: February 6th, 6:00PMMeeting Location: 7069 Caratoke Hwy, Jarvisburg

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

The undersigned respectfully requests that, pursuant to the Unified Development Ordinance, a conditional zoning district be approved for the following use(s) and subject to the following condition(s):

Proposed Use(s):

9 2-story residential multifamily buildings, including community

clubhouse, community pool, walkways, garden and playground.

A total of 9 buildings at 6 dwelling units per building for 54 DUs, or 2.6866 DU/AC

Proposed Zoning Condition(s):

A minimum 25-foot wide buffer will be provided along the property boundaries, with efforts to preserve existing vegetation where feasible and enhance with additional landscaping to screen residential areas and minimize visual and noise impacts. The development will have secured access, including gates with access codes for residents and authorized guests, along with appropriate security measures such as surveillance cameras and lighting. Bicycle racks will be provided at key locations such as amenity centers and mail kiosks. Where adjacent to existing residential areas, the developer will install sound-absorbing fencing or dense landscaping to mitigate noise from internal roads or communal activity areas. Along with this, no accessory structures will be proposed.

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

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


Property Owner

5-20-2025
Date


Property Owner

5-20-2025
Date

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

Conditional Rezoning Design Standards Checklist

The table below depicts the design standards of the conceptual development plan for a conditional rezoning application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

Conditional Rezoning Conceptual Development Plan Design Standards Checklist

Date Received: _____

TRC Date: _____

Project Name: Conditional Rezoning and Land Use Plan Amendment - Currituck Way

Applicant/Property Owner: Currituck Way, LLC, FKA ITAC 423 LLC

Conditional Rezoning Design Standards Checklist		
1	Property owner name, address, phone number, and e-mail address.	<input checked="" type="checkbox"/>
2	Site address and parcel identification number.	<input checked="" type="checkbox"/>
3	A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements.	<input checked="" type="checkbox"/>
4	North arrow and scale to be 1" = 100' or larger.	<input checked="" type="checkbox"/>
5	Vicinity map showing property's general location in relation to streets, railroads, and waterways.	<input checked="" type="checkbox"/>
6	Existing zoning classification of the property and surrounding properties.	<input checked="" type="checkbox"/>
7	Approximate location of the following existing items within the property to be rezoned and within 50' of the existing property lines: Pathways, structures, septic systems, wells, utility lines, water lines, culverts, storm drainage pipes, ditches, canals, streams, wooded areas, ponds, and cemeteries.	<input checked="" type="checkbox"/>
8	Approximate Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County."	<input checked="" type="checkbox"/>
9	Approximate location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency.	<input checked="" type="checkbox"/>
10	Proposed zoning classification and intended use of all land and structures, including the number of residential units and the total square footage of any non-residential development.	<input checked="" type="checkbox"/>
11	Proposed building footprints and usages.	<input checked="" type="checkbox"/>
12	Proposed traffic, parking, and circulation plans including streets, drives, loading and service areas, parking layout, and pedestrian circulation features.	<input checked="" type="checkbox"/>
13	Approximate location of storm drainage patterns and facilities intended to serve the development.	<input checked="" type="checkbox"/>
14	Proposed common areas, open space set-asides, anticipated landscape buffering, and fences or walls (if proposed).	<input checked="" type="checkbox"/>
15	Architectural drawings and/or sketches illustrating the design and character of the proposed uses.	<input checked="" type="checkbox"/>
16	Proposed development schedule.	<input type="checkbox"/>

Conditional Rezoning Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Conditional Rezoning Submittal Checklist

Date Received: _____

TRC Date: _____

Project Name: Conditional Rezoning and Land Use Plan Amendment - Currituck Way

Applicant/Property Owner: Currituck Way, LLC, FKA ITAC 423 LLC

Conditional Rezoning Submittal Checklist – Documents provided on USB flash drive or CD		
1	Complete Conditional Rezoning application	<input checked="" type="checkbox"/>
2	Community meeting written summary	<input checked="" type="checkbox"/>
3	Conceptual development plan	<input checked="" type="checkbox"/>
4	Architectural drawings and/or sketches of the proposed structures.	<input checked="" type="checkbox"/>
5	Application fee (\$200 plus \$5 for each acre and/or part of an acre)	<input checked="" type="checkbox"/>

For Staff Only

Pre-application Conference

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

Comments

[Home](#) [Business Registration](#) [Search](#) [Limited Liability Company](#)

Limited Liability Company

Actions

- [File an Annual Report/Amend an Annual Report](#)
- [Online Filing](#)
- [Order a Document Online](#)
- [Add Entity to My Email Notification List](#)
- [View Filings](#)
- [Print a Pre-Populated Annual Report form](#)
- [Print an Amended a Annual Report form](#)

Legal name: Currituck Way, LLC

Previous legal name: ITAC 423, LLC

Secretary of State Identification Number (SOSID): 1728388

Status: Current-Active

Citizenship: Domestic

Date formed: 7/18/2018

Registered agent: [James M. Rose, Jr.](#)

mailing address

353 Soundview Drive
Kill Devil Hills, NC 27948-9047

Principal office address

353 Soundview Drive
Kill Devil Hills, NC 27948-9047

Registered office address

353 Soundview Drive
Kill Devil Hills, NC 27948-9047

Registered mailing address

353 Soundview Drive
Kill Devil Hills, NC 27948-9047

Company officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

- **Managing Member**

[Wild Geese Estates, LLC](#)

353 Soundview Drive
Kill Devil Hills NC 27948-9047

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Hours of Operation Monday - Friday 8:00 am -
5:00 pm



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**North Carolina Secretary of
State's Office**



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT
WASHINGTON REGULATORY OFFICE
2407 WEST FIFTH ST
WASHINGTON NORTH CAROLINA 27889

February 11, 2025

Regulatory Program/Division

Sent Via Email: brubino@withersravenel.com

Brian Rubino
Withers and Ravenel
PO Box 870
Kitty Hawk, NC 27949

Dear Mr. Rubino:

This letter is in response to your request to the Wilmington District, Washington Regulatory Field Office for an approved jurisdictional determination. The review area is located on Caratoke Highway north of Foster Forbes Road, at Latitude 36.455620 and Longitude -76.028240; in Currituck, Currituck County, North Carolina. The review area for this determination is limited to an approximately 20-acre area comprised of one parcel (parcel number: 9838-43-0208), which is illustrated on the enclosed site maps. This request has been assigned the file number SAW-2022-01190 (0 Caratoke Hwy / Currituck NC / Currituck County). This file number should be referenced in all correspondence concerning this project.

Based on our review of the information you furnished, and other information available to our office, we have determined the above-referenced area does not contain any waters of the United States under U.S. Army Corps of Engineers (Corps) regulatory jurisdiction. This determination was made in accordance with the Corps regulatory authority pursuant to Section 404 of the Clean Water Act, and based upon criteria contained in the 1987 Corps of Engineers Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain regional supplement. This determination is valid for a period of **five years** from the date of the letter, unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

This letter contains an approved jurisdictional determination for your subject site. 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 Division Appeals Officer at the address listed on the RFA form. 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 by the Corps by April 12, 2025. **It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.**

Section 404 of the Clean Water Act requires a Department of the Army (DA) permit be obtained prior to the discharge of dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires a DA permit be obtained for any work in, on, over or under navigable waters of the United States.

This determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the review area identified in this request. The 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.

You are cautioned that work performed below the mean high water line or ordinary high water line in waters of the United States; and/or, the discharge of dredged or fill material into any areas identified on the enclosed information as within Federal jurisdiction, without a Department of the Army permit could subject you to enforcement action. Receipt of a permit from a state or local municipality does not obviate the requirement for obtaining a Department of the Army permit.

If you have any questions concerning this correspondence, please contact Josh Tutt, Biologist of the Washington Regulatory Field Office at 9102514629, by mail at the above address, or by email at Joshua.C.Tutt@usace.army.mil. Please take a moment to complete our customer satisfaction survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

Joshua C. Tutt

Josh Tutt
Biologist

Z:\Quibb\Projects\2024\124038 Currituck Way\Drawings\124038-WE\Drawg Thursday, January 30, 2025 10:13:02 AM T:\UI\PHHY



NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Brian Rubino, Withers and Ravenel		File Number: SAW-2022-01190	Date: 2/11/2025
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 checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	E	
<input 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: Josh Tutt
Wilmington District U.S. Army Corps of Engineers
2407 West Fifth Street
Washington, NC 27889

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Krista Sabin
Regulatory Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Atlantic
60 Forsyth Street SW Room 9M 15
Atlanta, Georgia 30303-8801

Phone: 904-314-9631

Email: Krista.D.Sabin@usace.army.mil

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.

<hr/> Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number:

- CURRENT OWNER: CURRITTUCK WAY, LLC FKA ITAC 423 L.L.C.
353 SOUNDVIEW DRIVE
KILL DEVIL HILLS NC 27948
C/O JAMES M. ROSE, JR. 252-202-1292
EMAIL: JMOB@AOL.COM
2. PROPERTY ADDRESS: TRACT NO. 1--MARS HILL CALLOP
PIN: 9838--43--0208 PARCEL ID: 0123000000950000
DB: 1480 PG. 301
AREA = 843,738 SQ.FT. (19,370 ACRES)
STREET ADDRESS: XX CAROTOKE HIGHWAY POWELLS POINT, NC
AND
ITAC 423 L.L.C.
353 SOUNDVIEW DRIVE
KILL DEVIL HILLS NC 27948
HOME LOT PARCEL ID: 0123000000950000
PIN: 9838--32--4886
DB: 1480 PG. 306
AREA = 32,203 SQ.FT. (0.739 ACRES)
STREET ADDRESS: 8149 CAROTOKE HIGHWAY POWELLS POINT, NC
PARCEL RECOMBINATION REQUIRED
3. CURRENT ZONING: AG
4. PROPOSED ZONING: PROPOSED ZONING: (C-MXR) MIXED RESIDENTIAL DISTRICT
CONDITIONAL REZONING UNDER UDO 2.4.4. PR
5. TOTAL COMBINED LOT AREA = 879,941.0 SQ.FT. / 20.1 AC (AREAS BY COORDINATE METHOD)
6. PROPERTY IS LOCATED IN NFIP FLOOD ZONE X AND SUBJECT TO CHANGES. BASED ON
COMMUNITY CID NO. 370078; PANEL 8986
MAP NUMBER 3270898600K; EFFECTIVE DATE: 12/21/2018.
7. THIS PLAN SUBJECT TO ANY FACTS, INCLUDING BUILDING SETBACK RESTRICTIONS,
EASEMENTS, COVENANTS, ETC., THAT MAY BE REVEALED BY A FULL AND
ACCURATE TITLE SEARCH.
8. PROPOSED USE:
9 - 2 STORY RESIDENTIAL MULTIFAMILY BUILDINGS WITH
6 - 3 BEDROOM UNITS PER BUILDING INCLUDES COMMUNITY
CLUBHOUSE, COMMUNITY POOL, WALKWAYS, GARDEN AND PLAYGROUND AS SHOWN,
TOTAL NUMBER OF PROPOSED UNITS = 54
TOTAL TRACT AREA = 20.1 ACRES
GROSS RESIDENTIAL DENSITY (DWELLING UNITS/ACRES) = 2.6866 TOTAL
NUMBER OF PROPOSED BEDROOMS = 162
LOT COVERAGE = 21.5% (SEE TABLE BELOW)
9. WATER SERVICE TO BE PROVIDED BY CURRITTUCK CO. WATER DEPT.
10. ALL AREA LUMINARIES SHALL COMPLY WITH THE CURRITTUCK COUNTY U.D.O.
11. ALL UTILITIES TO BE PLACED UNDERGROUND.
12. HANDICAP SPACES SHALL BE MARKED WITH POLE MOUNT SIGNS.
13. ALL REQUIREMENTS OF THE U.D.O., BUILDING CODES, AND FIRE CODES MUST BE MET.
14. DRIVE AISLES TO WITHSTAND A 75,000# FIRE TRUCK LOAD.
15. PRIOR TO CONSTRUCTION ALL APPLICABLE PERMITS/APPROVALS SHALL BE OBTAINED
INCLUDING BUT NOT LIMITED TO: REZONING APPROVAL BY CURRITTUCK COUNTY, SITE PLAN APPR
BY CURRITTUCK COUNTY STORMWATER MANAGEMENT PLAN PERMIT. SEDIMENTATION AND EROSION
CONTROL PLAN, WASTEWATER TREATMENT AND DISPOSAL PERMIT WATER MAIN EXTENSION PERM
NCDOT DRIVEWAY ACCESS PERMIT NCDOT ENCRORCHMENT AGREEMENT BUILDING PERMIT SIGN P
16. BUFFER YARD AND SHADE TREE PER CURRITTUCK COUNTY U.D.O. CHAPTER 5 OR AS
SPECIFIED BY APPROVED SITE PLAN.
17. PROJECT PHASING: CONSTRUCTION WILL BEGIN AS SOON AS ALL THE REQUIRED PERMITS ARE
THIS PROJECT WILL BE DIVIDED INTO THREE PHASES WITH THE FIRST CONSISTING OF THE PRIMA
INFRASTRUCTURE, THREE THIRTY-FIVE FOOT WALKWAYS, PAVILION, PERIMETER SIDEWALKS, PEDESTRIAN
PATHWAYS, AND COMMUNITY MAILBOX. THE SECOND PHASE WILL CONSIST OF THREE RESIDENT
BUILDINGS, PUTTING GREEN, BASKETBALL COURT, AND PICNIC TABLES. THE FINAL PHASE WILL
CONSIST OF THE LAST THIRTY-RESIDENT BUILDINGS, COMMUNITY GARDEN, AND POSSIBLY
CLUBHOUSE AND SWIMMING POOL.
EACH PHASE IS ESTIMATED TO TAKE 24 MONTHS FROM PERMITTING TO COMPLETION.

OPEN SPACE AREA:
OPEN SPACE AREA = 264,422.9 SQ.FT

ACTIVE OPEN SPACE AREAS:

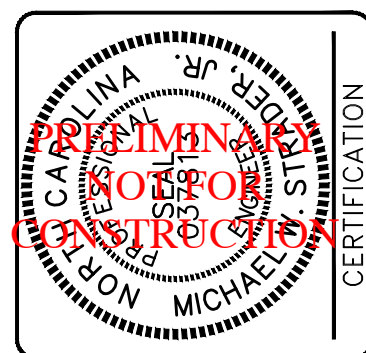
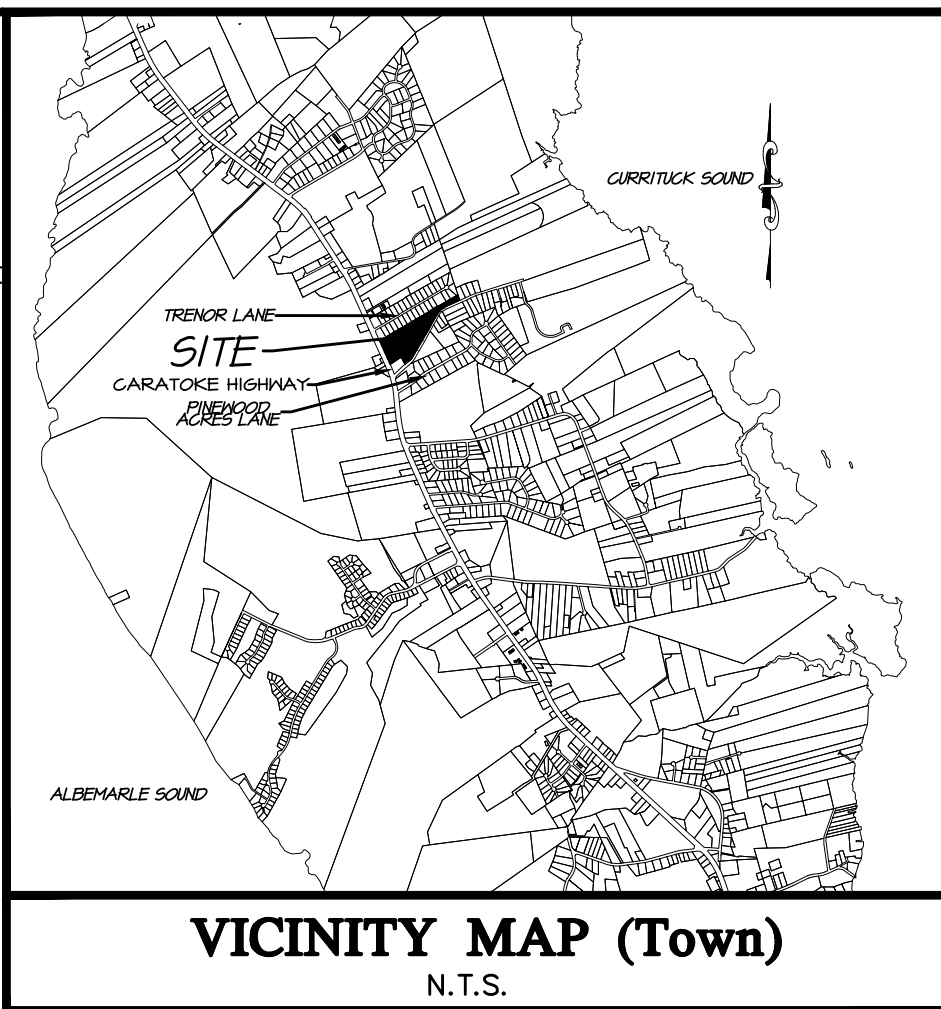
POOL & CLUBHOUSE	= 6,573.5 SQ.F.
BASKETBALL COURT	= 3,420.0 SQ.F.
WALKWAY-1	= 52,827.7 SQ.F.
WALKWAY-2	= 8,682.4 SQ.F.
SHUFFLEBOARD (3)	= 1,560.0 SQ.F.
PUTTING GREEN	= 2,024.9 SQ.F.
PAVILION	= 1,406.2 SQ.F.
GRASS REC AREA	= 17,774.0 SQ.F.
FENCED GARDEN	= 8,137.9 SQ.F.
RIPARIAN REC AREA	= 16,510.6 SQ.F.
TOTAL	= 117,511.0 SQ.F.

PARCEL AREA = 879,941.05 SQ.FT.
OPEN SPACE AREA = 264,422.95 SQ.FT.
 PERCENT OPEN SPACE AREA 30.1% (MIN 30%) 263,982.3 SQ.FT.

ACTIVE OPEN SPACE AREA = 117,511.0 SQ.FT.
PERCENTAGE OF OPEN SPACE = 44.4%

REQUIRED ACTIVE OPEN SPACE REQUIRED MIN. 35% OF OPEN SPACE= 92,548.0 SQ.FT

	PROPOSED ASPHALT		EXIST UTILITY POLE
	PROPOSED CONCRETE		EXIST SPOT GRADE
			PROPOSED OPEN SPACE
	PROPOSED VEGETATION		
	PROPOSED VEGETATION		EXIST TREE
			EXIST SHRUB

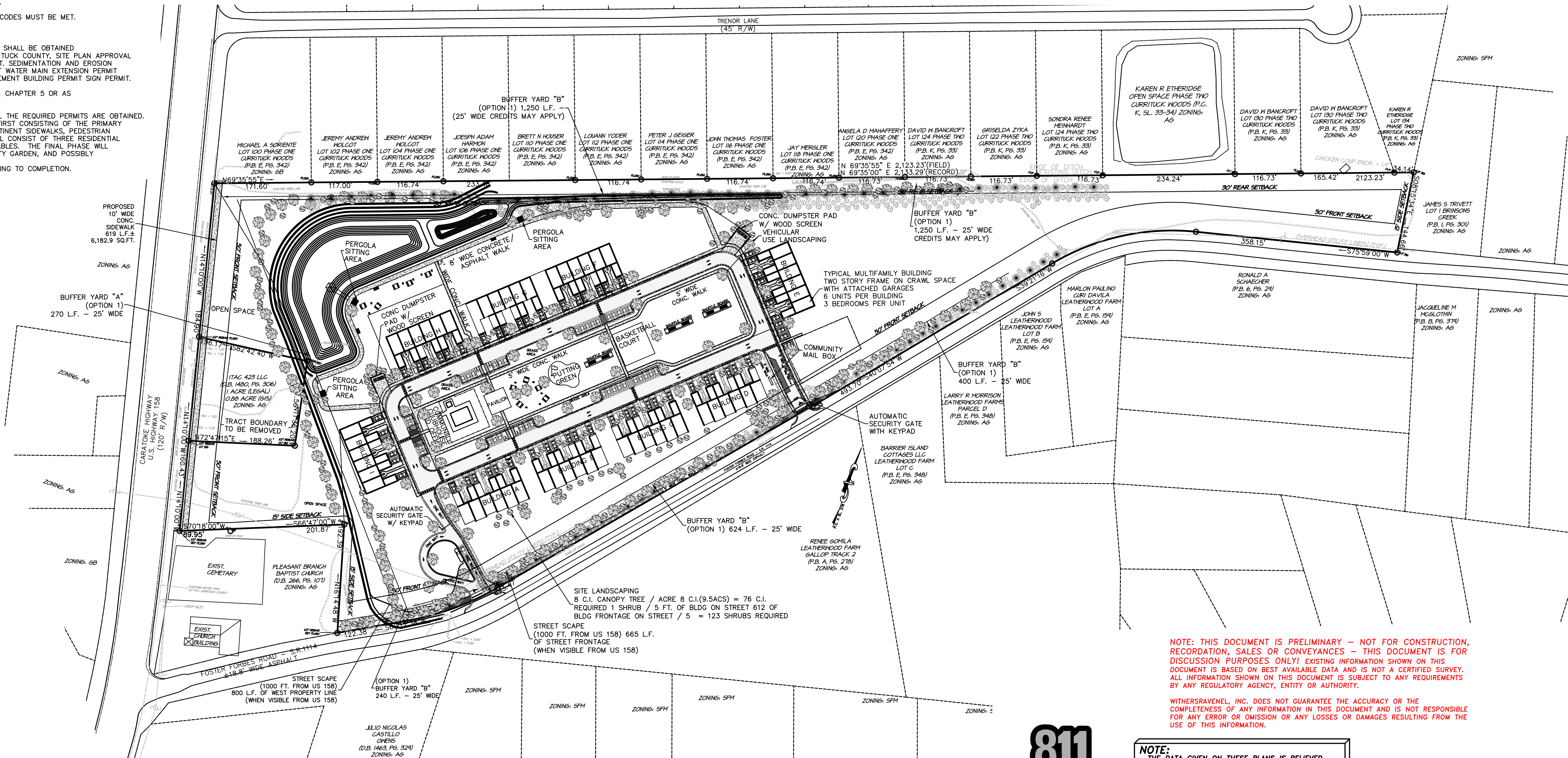


WithersRavenel
8466 Carotake Highway | Building 400 | Powells Point, NC 27966
License #: F-1479 | t: 252.491.8147 | www.withersravenel.com

[illegible]

TOTAL ACRES = 20.1 ACRES
~~NO WETLAND AREA TO DEDUCT~~
TOTAL = 20.1 ACRES

TOTAL UNITS= 54
PROPOSED UNITS PER ACRE= 2.6866 DU/AC
(MAX ALLOWED= 3 DU/AC)
UNITS PER BUILDING= 6
BEDROOMS PER UNIT= 3
BUILDING TOTAL= 9



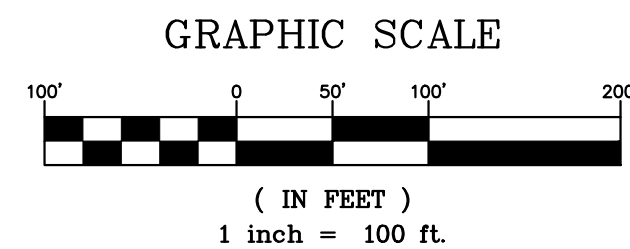
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NOTE: THE DATA GIVEN ON THESE PLANS IS BELIEVED TO BE ACCURATE, BUT THE ACCURACY IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES, AND DIMENSIONS OF THE EXISTING UTILITIES PRIOR TO CONSTRUCTION. IF A DISCREPANCY IS FOUND, WORK SHALL CEASE AND THE ENGINEER NOTIFIED. WORK MAY CONTINUE UPON ENGINEER'S NOTICE TO PROCEED.



CONCEPTUAL DEVELOPMENT PLAN

**CURRITUCK WAY
A MULTIGENERATIONAL COMMUNITY**

PROJECT NO.	P24038
DESIGNED BY	MWR
DRAWN BY	MWR/BPJ
CHECKED BY	MWS
ISSUE DATE	12-13-2024

SHEET NO.
1
OF 3 SHEETS

