

April 24, 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 April 9, 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 revised Plan Set.

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

**Planning, Jason Litteral, 252-232-6019**

Reviewed

1. The Imagine Currituck 2040 Vision Plan identifies the property as G-1, Low Density Growth in the Point Harbor subarea with a maximum density of up to 1 dwelling unit per acre. Based on evaluation of the designation, subareas, densities, the proposed request for 3 dwelling units per acre, the request is not consistent with the Imagine Currituck 2040 Vision Plan (LUP), G1 classification in the Point Harbor subarea. The Board of Commissioners must approve an amendment to the LUP to a designation that would allow for the development density proposed. Per G.S. 160D a rezoning decision will update the land use plan. The designation consistent with 3 dwelling units per acre is the G-3 Mixed Use Centers and Corridors. Based on the existing and proposed services, abutting use compatibility, current LUP designation, and the Point Harbor subarea policy emphasis, staff recommendation will not likely be in favor of approval.

**Acknowledged.**



2. UDO Section 6.2.3.E (1)(b) states the following: All principal uses and buildable lots within a multi-family development, planned unit development or planned development shall be connected and serviced by a centralized wastewater system. The County Engineer may approve a decentralized wastewater system upon finding that the proposed development:
  - a. Is not located within the service area of an existing centralized wastewater system.
  - b. Is subject to a wastewater operation and maintenance plan prepared by a registered engineer that establishes siting standards, performance and monitoring requirements, and a routine maintenance program.
  - c. Provides tertiary treatment of sewage if cumulative wastewater flows exceed 3,000 gallons per day.

Acknowledged. Proposed centralized wastewater systems are proposed for each building which contain pretreatment and disposal having frequent monitoring requirements to ensure high quality effluent parameters are met, which are better than standard on-site regulations.

3. The current zoning is Agriculture (AG) which provides for .33 dwelling units per acre with 50% open space or .4 dwelling units per acre with 60% open space. The maximum density permitted with the current AG zoning is .4 dwelling units x 20 acres = 8 dwelling units. This request is for 3 dwelling units per acre 3 dwelling units x 20 acres = 60 dwelling units. This is a request for 7.5 times the allowable density.

Acknowledged.

4. If the proposed rezoning application involves properties under different ownership, please include all owners in the application.

Acknowledged.

5. Please provide more detail regarding the filling/grading in the setback near the stormwater control measure on the north side of the project.

Acknowledged.

6. Please provide a wetlands delineation and remove any wetlands acreage from the density calculations.

Acknowledged.



7. The plan indicates a relocation of a major drainageway. How will the filling of the existing ditch and relocation of the drainage impact the current drainage area including existing drainage infrastructure?

Acknowledged.

8. Include the number of units requested in the proposed use section of the application and reference the proposed density of 3 units per acre.

Acknowledged. Please see the attached application which states a total of 9 buildings at 6 Dwelling units per building for 54 DUs, or 2.6866 DU/AC.

9. Please revise the proposed zoning conditions on the application. Compliance with the minimum standards of the Unified Development Ordinance is required and should not be a source for proposed zoning conditions. Proposing a gated community does not address the discrepancies between the requested conditional rezoning and the Land Use Plan and Unified Development Ordinance.

Acknowledged.

10. It appears the combined gallons per day of all proposed septic systems will exceed 3,000 gallons per day.

Acknowledged. We will work to obtain the necessary wastewater permits.

11. 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.

Acknowledged.

12. Show the proposed phasing and the specific amenities associated with each phase.



Acknowledged. Please see Note 17 on sheet #1 of the plan set.

13. Specify materials for all accesses and vehicular circulation.

Acknowledged. Material is asphalt pavement.

14. No individual building shall exceed a length of 200 feet.

Acknowledged.

15. No accessory structure shall be less than 10 feet from another structure.

Acknowledged.

16. The owner or an owners association shall maintain pedestrian walkways.

Acknowledged.

17. Pedestrian entrances to the site shall be accentuated through the use of landscaping, special paving, gateways, or similar features.

Acknowledged.

18. Buildings that do not have 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.

Acknowledged.

19. The multi-family design standards shall be met including but not limited to the following:





## **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.

### **(2) Building Features**

- (a)** Developments abutting public street corners shall provide two or more of the following elements on the building facades closest to the intersection (see Figure 5.7.3.B.2, Corner Buildings):
  - (i)** Placement of primary pedestrian entry;
  - (ii)** Distinctive roof form (e.g. recess, projection, tower, turret, pediment); or
  - (iii)** Other architectural features (e.g. porches, canopies).
- (b)** Building details, including roof forms, siding materials, windows, doors, and trim shall reflect a similar level of quality and architectural detailing on all sides facing:
  - (i)** A street;
  - (ii)** Abutting existing single-family development; and
  - (iii)** Vacant land designated as a single-family district on the official zoning map.

(b) above will apply to all sides of the development due to the adjacent single-family development and streets.

Acknowledged.



## **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.

Façade articulation will also apply to the Caratoke Hwy side of the development. Please indicate which of the above articulation elements you are providing.

Acknowledged.

- (d)** A covered entryway with a four foot minimum dimension shall be provided at the primary entrance.



### **(3) Roof Form**

- (a)** Development shall incorporate sloped roofs greater than or equal to one foot of vertical rise for four feet of horizontal run (3:12), and less than or equal to one foot of vertical rise for every one foot of horizontal run (12:12), or shall incorporate a three-foot parapet with a dimensional cornice around a flat roof. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.
- (b)** All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured to the degree practicable, to have a minimal visual impact as seen from the street.

### **(4) Garage Location**

Attached garages shall be located to the side or rear of buildings (see Figure 5.7.3.D, Garage Placement) and accessed from alleys or secondary streets, to the maximum extent practicable.

## **D. Site Features**

### **(1) Accessory Structures**

- (a)** Street-facing detached garages on corner lots shall be located to the side or rear of buildings (see Figure 5.7.3.D, Garage Placement).
- (b)** Access to accessory structures (such as garages, carports, storages, trash receptacles) shall be provided from alleys or secondary streets, to the maximum extent practicable.

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.

Prohibiting accessory structures could be a potential zoning condition.

Acknowledged.

- (c)** Accessory buildings shall include exterior materials, colors, and roof form designed to be consistent with the principal structure.
- (d)** Accessory structures shall not physically obstruct pedestrian entrances.
- (e)** Centralized trash receptacles, if provided, shall be located in an enclosed area located to the rear of principal buildings.
- (f)** HVAC and mechanical equipment shall be integrated into the overall building design and not visible from adjoining streets or other open space set-asides. Through-wall units and vents shall not be located along the street frontages, unless recessed within a balcony or similar feature.

Please show the proposed location of the HVAC and mechanical equipment



Acknowledged.

20. The community compatibility standards shall be met including but not limited to:

## **B. Building Placement**

- (1)** Multi-building development shall be configured to establish a continuum of use intensity where uses of moderate intensity are sited between high-intensity uses and low-intensity uses (e.g., office uses between retail and detached residential), as they relate to adjacent residential development.
- (2)** Buildings subject to these standards shall be setback 75 feet from a lot line shared with an existing single-family detached dwelling, to the maximum extent practicable.

Building F does not appear to meet the 75-foot setback from an existing single-family detached dwelling.

## **D. Site Features**

### **(1) 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.

### **(2) Exterior Lighting**

Exterior lighting shall:

- (a)** Have a maximum height of 15 feet; and
- (b)** Be configured so that the source of illumination is not visible from public street right-of-way or adjacent single-family residential property.

Acknowledged. Please see the attached revised plans that show removal of building F.

21. Section 2.4.3.C of the UDO advises that an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed map amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed amendment:



- a. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance;
- b. Is in conflict with any provision of this Ordinance, or the County Code of Ordinances;
- c. Is required by changed conditions;
- d. Addresses a demonstrated community need;
- e. 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;
- f. Adversely impacts nearby lands;
- g. Would result in a logical and orderly development pattern;
- h. 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;
- i. 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, fire, and emergency medical facilities.);
- j. Would not result in significantly adverse impacts on the land values in the surrounding area; and,
- k. Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.

Acknowledged.

22. Please use consistent language when referring to open space. There is reference to open area in the notes on the plan. Open space is the preferred nomenclature.

Acknowledged.

### **Currituck Public Utilities (Chas Sawyer, 252-202-1692)**

Recommendation: Reviewed

Comment: There are no meter locations on the blueprints please indicate where the water meters will be. If the meters are placed by the front entrance and parking areas of each unit, please place the meter away from



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the trees shown on the landscaping plans. Metering each individual unit would also be preferred over master meters.

Please move the gate valve at the first entrance to the east side of the tee this way if there is a main break along Foster Forbes Road the complex can still have water while repairs are made.

The pool house will be required to have a backflow device please indicate where the device will be placed on the plans.

Your TRC submission has been accepted and sent to Jason Litteral for review.

Acknowledged.

**Currituck County Building Inspections & Fire, Rick Godsey, 252-232-6020**

Approved

Acknowledged.

**Currituck County GIS, Harry Lee 252-232-2034**

Reviewed, no comment

Acknowledged.

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

Approved, Recreational amenities should be sufficient to serve the residents.

Acknowledged.

**Currituck Fire and EMS (Ralph Melton -252-232-7746)**

1. Drive aisles must withstand a 75,000 lb. fire truck load per NC Fire Code (NCFC) 503.2.3.
2. Ensure that the internal driveway widths meet the minimum required 26 feet width at all hydrant locations to allow for proper fire apparatus positioning.
3. Gated access should include a Knox Box or equivalent for Fire-EMS access and a minimum 20-foot clear opening.
4. Confirm that fire apparatus turning radii meet minimum standards (28 feet inside, 50 feet outside) for maneuverability within the site.





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5. Verify that cul-de-sacs, dead-ends, and hammerhead turnarounds meet NCFC Appendix D for emergency vehicle access.
6. Ensure any proposed gates meet NCFC D103.5 requirements with a Knox Box or similar system to allow emergency personnel access.
7. Emergency access routes should be marked and maintained for unobstructed access at all times.
8. Increased EMS Demand:
9. The project proposes 54 dwelling units. Based on the guideline that 3 units generate 1 EMS call annually, this development is expected to generate approximately 18 additional EMS calls annually.

This increase will have a cumulative effect on the EMS resources needed as well as EMS response times in the area.

**Acknowledged.**

### **US Post Office**

Contact the local post office for mail delivery requirements

**Acknowledged.**

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

See attached letter.



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**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.

**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 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

Acknowledged.

8466 Caratoke Highway, Building 400 | Powells Point, NC 27966  
t: 252-491-8147 | f: 919.467.6008 | [www.withersravenel.com](http://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](mailto: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  
Address: 353 SOUNDVIEW DR  
KILL DEVIL HILLS, NC 27948  
Telephone: 252.202.1292  
E-Mail Address: jimobx@aol.com

**PROPERTY OWNER:**

Name: Same  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Self

**Property Information**

Physical Street Address: 0 CARATOKE Hwy  
Location: Powells Point, NC 27966  
Parcel Identification Number(s): 012300000950000  
Total Parcel(s) Acreage: 20.1  
Existing Land Use of Property: Vacant

**Request**

Current Zoning of Property: AG Proposed Zoning District: C-MXR

**Community Meeting**

Date Meeting Held: February 6th, 6:00PM Meeting 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):

All proposed development will be consistent with and as allowed within the C-MXR zoning, including residential and accessory uses, and adhere to the dimensional standards outlined in the County Land Use Plan. 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. Existing drainage conveyance will be preserved or improved, and any necessary rerouting will be done in accordance with county stormwater management standards and approved by relevant authorities. All outdoor lighting will consist of full cutoff (night-sky) fixtures, ensuring compliance with county regulations to minimize light pollution. No new entrances will be allowed along US Hwy 158. The existing entrance(s) will be designed to meet traffic safety standards and visibility requirements. 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. A waste management plan will be implemented, including provisions for recycling and proper trash disposal to ensure a clean and sustainable environment.

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

2-25-2025  
Date

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



NOTES:

1. CURRENT OWNER: CURRITUCK 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: JIMOBX@AOL.COM
2. PROPERTY ADDRESS: TRACT NO. 1-MARS HILL GALLOP  
PIN-9838-43-0208 PARCEL ID:012300000950000  
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: 012300000950000  
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 3720898600K;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 CURRITUCK CO. WATER DEPT.
10. ALL AREA LUMINARIES SHALL COMPLY WITH THE CURRITUCK 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 CURRITUCK COUNTY, SITE PLAN APPROVAL  
BY CURRITUCK COUNTY STORMWATER MANAGEMENT PLAN PERMIT, SEDIMENTATION AND EROSION  
CONTROL PLAN, WASTEWATER TREATMENT AND DISPOSAL PERMIT WATER MAIN EXTENSION PERMIT  
NCDOT DRIVEWAY ACCESS PERMIT NCDOT ENCROACHMENT AGREEMENT BUILDING PERMIT SIGN PERMIT.
16. BUFFER YARD AND SHADE TREE PER CURRITUCK 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 OBTAINED.  
THIS PROJECT WILL BE DIVIDED INTO THREE PHASES WITH THE FIRST CONSISTING OF THE  
PRIMARY INFRASTRUCTURE, THREE RESIDENTIAL BUILDINGS, PAVILION AND OTHER INITIAL AMENITIES.
- THE SECOND PHASE WILL CONSIST OF THREE RESIDENTIAL BUILDINGS AND THE FINAL PHASE WILL  
CONSIST OF THE LAST THREE RESIDENTIAL BUILDING. THE CLUBHOUSE AND SWIMMING SHALL BE  
CONSTRUCTED IN EITHER PHASE 2 OR PHASE 3  
EACH PHASE IS ESTIMATED TO TAKE 24 MONTHS FROM PERMITTING TO COMPLETION.

BUILDING DENSITY TABLE

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

OPEN SPACE TABLE

OPEN AREA: OPEN AREA = 264422.9 SQ.FT

ACTIVE OPEN AREAS:

POOL & CLUBHOUSE = 6,573.5 SQ.FT.  
BASKETBALL COURT = 3,420.0 SQ.FT.  
WALKWAY -1 = 52,827.7 SQ.FT.  
WALKWAY -2 = 8,682.4 SQ.FT.  
SHUFFLEBOARD (3) = 1,560.0 SQ.FT.  
PUTTING GREEN = 2,024.9 SQ.FT.  
PAVILION = 1,406.2 SQ.FT.  
GRASS REC AREA = 17,774.0 SQ.FT.  
FENCED GARDEN = 8,137.9 SQ.FT.  
RIPARIAN REC AREA = 18,510.6 SQ.FT.  
TOTAL = 117,511.0 SQ.FT

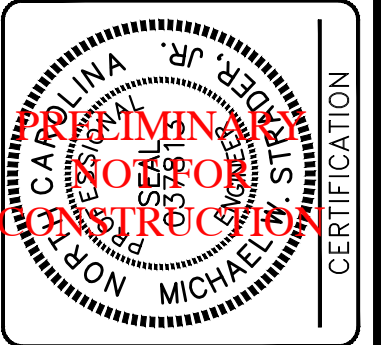
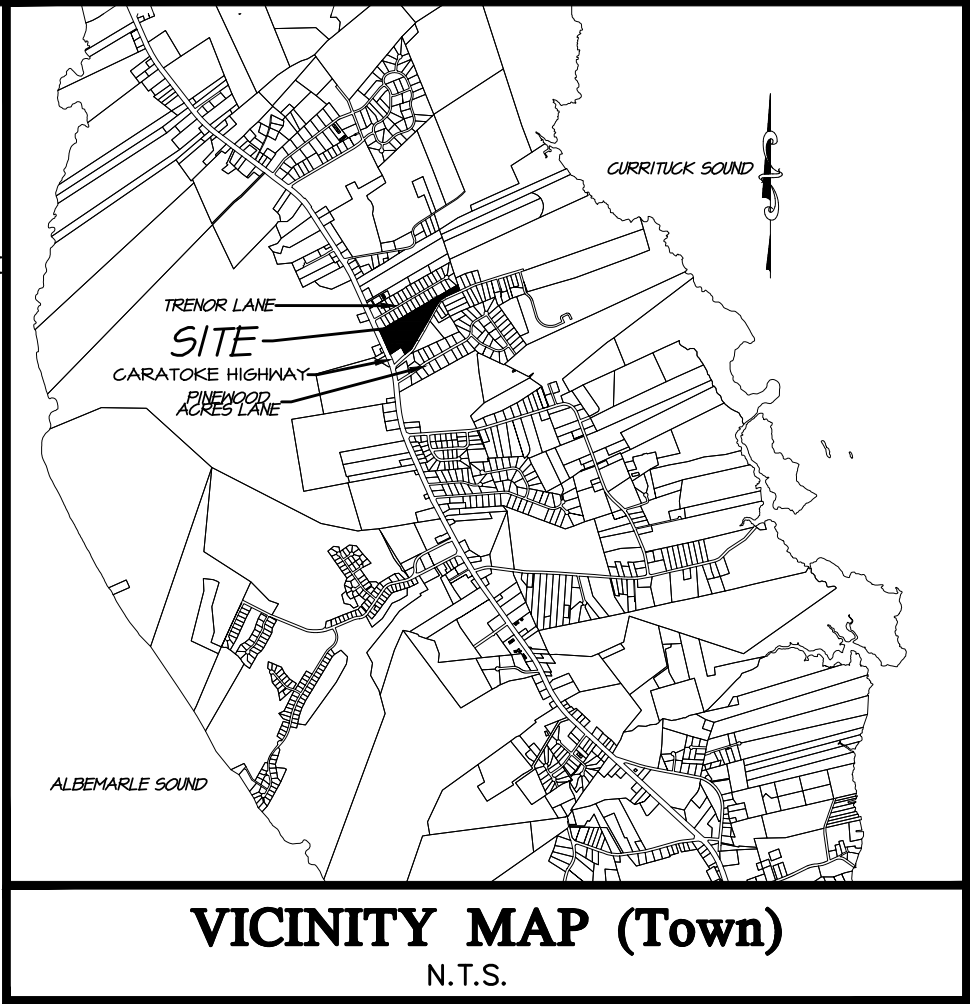
PARCEL AREA = 879941.0 SQ.FT.  
OPEN AREA = 264422.9 SQ.FT.  
PERCENT OPEN AREA 30.1 % (MIN 30%) 263,982.3 SQ.FT.

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

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

LEGEND

- PROPOSED ASPHALT  
PROPOSED CONCRETE  
PROPOSED VEGETATION  
PROPOSED VEGETATION  
PROPOSED OPEN SPACE  
PROPOSED ACTIVE SPACE
- EXIST GUY WIRE  
EXIST UTILITY POLE  
EXIST SPOT GRADE  
EXIST FENCE  
EXIST TREE  
EXIST SHRUB



CONCEPTUAL DEVELOPEMENT PLAN

CURRITUCK WAY

A MULTIGENERATIONAL COMMUNITY

PROJECT NO. P24038

DESIGNED BY MWR

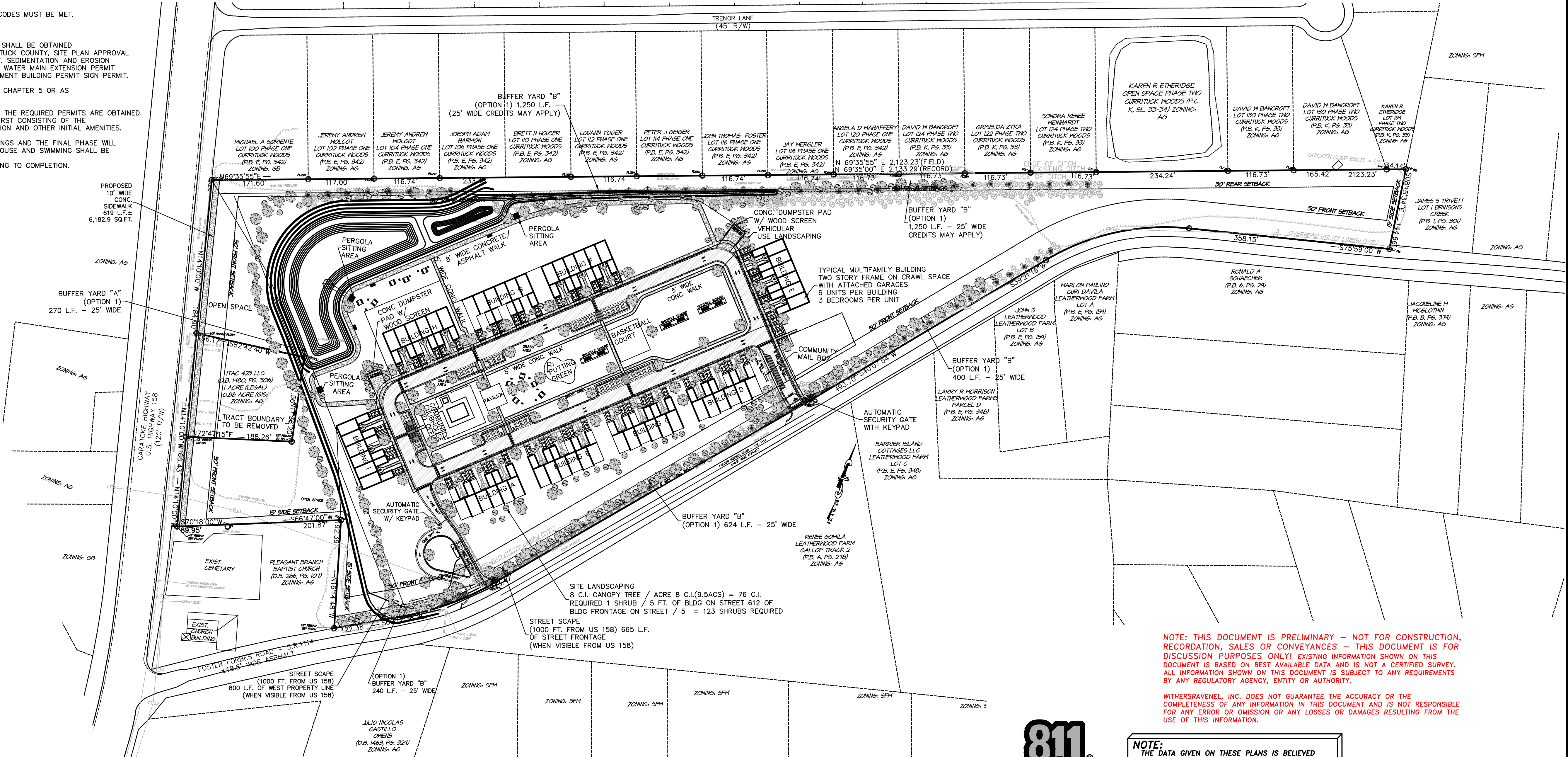
DRAWN BY MWR/BPJ

CHECKED BY MWS

ISSUE DATE 12-13-2024

SHEET NO. 1

OF 3 SHEETS

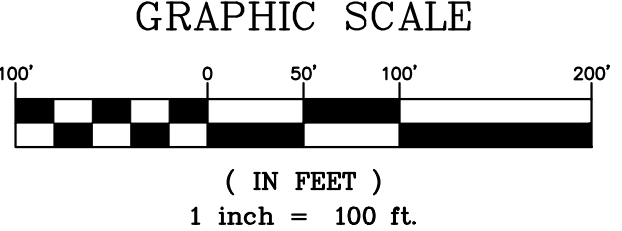


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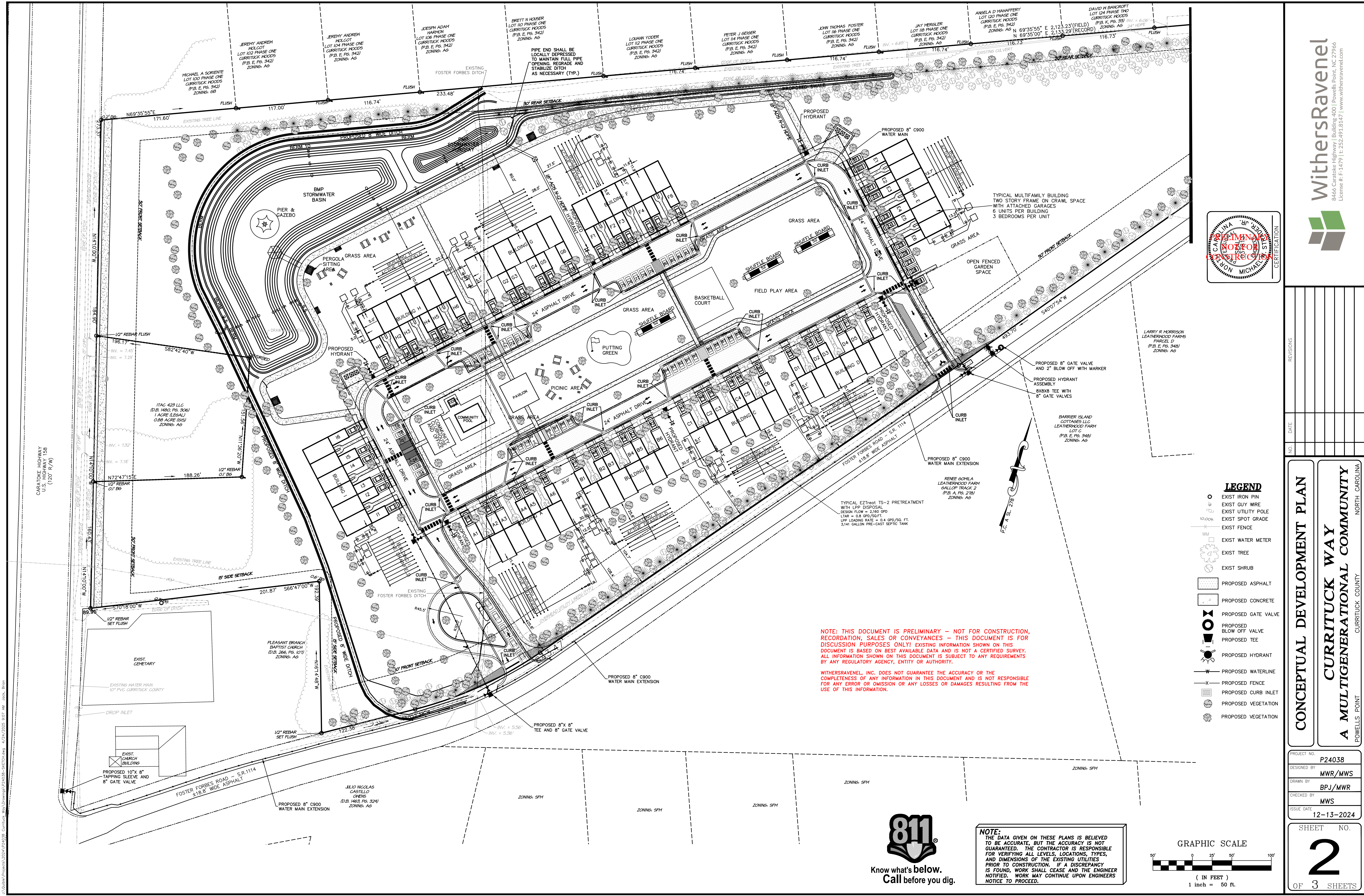
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REVISIONS	
NO.	DATE

CONCEPTUAL DEVELOPMENT PLAN  
**CURRITUCK WAY**  
A MULTIGENERATIONAL COMMUNITY  
NORTH CAROLINA  
CURRITUCK COUNTY  
POWELL'S POINT

PROJECT NO.	P24038
DESIGNED BY	MWR/MWS
DRAWN BY	BPJ/MWR
CHECKED BY	MWS
ISSUE DATE	12-13-2024
SHEET NO.	2
OF 3 SHEETS	



