



## **Planning Board Agenda Packet**

**March 13, 2018**

**Work Session**

6:30 PM

**Call to Order**

- A) Pledge of Allegiance & Moment of Silence
- B) Ask for Disqualifications
- C) Announce Quorum Being Met
- D) Approval of Agenda

**Approval of Minutes****Old Business****New Business**

- A) **PB 17-06 Miller Homes & Building LLC:** Request for conditional rezoning from AG (Agricultural) to C-GB (Conditional- General Business) on property located at 155 Survey Road for a bakery/light sandwich restaurant, Tax Map 15, Lot 47B, Moyock Township.

**Announcements****Adjournment**



**CURRITUCK COUNTY  
NORTH CAROLINA**

February 13, 2018  
Minutes – Regular Meeting of the Planning Board

**WORK SESSION**

A work session was held at 6:30 PM in the conference room with staff and planning board members to review the item on the agenda. The work session discussion concluded at 6:56 PM.

**CALL TO ORDER**

The Currituck County Planning Board met at 7:00 PM for their regular meeting in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Fred Whiteman	Chairman	Present	
C. Shay Ballance	Vice Chairman	Present	
Carol Bell	Board Member	Absent	
Steven Craddock	Board Member	Present	
John McColley	Board Member	Absent	
Jeff O'Brien	Board Member	Absent	
Jane Overstreet	Board Member	Present	
J. Timothy Thomas	Board Member	Present	
Donna Voliva	Planning and Community Development Senior Planner	Present	
Tammy Glave	Planning and Community Development Senior Planner	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Whiteman called the meeting to order at 7:00 PM.

**A. Pledge of Allegiance & Moment of Silence**

Chairman Whiteman asked everyone to stand for the Pledge of Allegiance and a moment of silence.

**B. Ask for Disqualifications**

Chairman Whiteman read the State Government Ethic Act and asked if any board member had a conflict of interest with the matter coming before the board. No conflicts were noted.

**C. Announce Quorum Being Met**

Chairman Whiteman announced a quorum being met with five board members present.

#### D. Approval of Agenda

Chairman Whiteman asked if there were any changes to the agenda for tonight's meeting. With no changes noted, Mr. Craddock motioned to approve the agenda as presented. Mr. Ballance seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member
<b>ABSENT:</b>	Carol Bell, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member

#### APPROVAL OF MINUTES FOR JANUARY 9, 2018

Chairman Whiteman asked if any changes were needed to the meeting minutes for January 9, 2018. With no changes noted, Mr. Craddock motioned to approve the minutes as presented. Mr. Ballance seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member
<b>ABSENT:</b>	Carol Bell, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member

#### E. July 11, 2017 Minutes

##### OLD BUSINESS

There was no old business.

##### NEW BUSINESS

###### A. PB 18-02 LIZA BROOKE:

Chairman Whiteman read the case statement and asked if there was anyone present for representation. Applicant, Liza Brooke, came before the board and stated her address as 154 Moyock Landing Drive. Chairman Whiteman asked the applicant to have a seat while staff presented the case. Senior Planner, Tammy Glave presented the staff report. The text amendment submitted by Liza Brooke is intended to allow housing for poultry as an accessory use to a single-family dwelling in the General Business (GB) zoning district.

Discussion was held on poultry allowed on vacant land and the number of birds allowed.

Mr. Thomas motioned to approve PB Liza Brooke, text amendment to allow poultry in the General Business (GB) zoning district since the requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- It will not increase demand on public infrastructure, facilities, or services. (LUP POLICY PP2)

And the request is reasonable and in the public interest because:

- It will allow the same right to house poultry as accessory use to a single-family dwelling whether the dwelling is in a residential zoning district or the GB zoning district. Housing for poultry is currently allowed by right in the Agricultural (AG), Single-Family Mainland (SFM), and Single-Family Isolate (SFI) zoning districts according to the regulations in Chapter 4 of the UDO.

Mr. Craddock seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 3/5/2018 6:00 PM</b>
<b>AYES:</b>	Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, Jane Overstreet, Board Member, J. Timothy Thomas, Board Member	
<b>ABSENT:</b>	Carol Bell, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member	

## ANNOUNCEMENTS

Mr. Craddock asked Assistant Planning, Donna Voliva if she had an update on the Land Use Plan. Ms. Voliva said there was not an update at this time, but in the near future an update will be given to the Board of Commissioners.

## ADJOURNMENT

Mr. Craddock motioned to adjourn the meeting and Ms. Overstreet seconded the motion and the motion carried unanimously. The meeting adjourned at 7:08 PM.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2118)**

### **Agenda Item Title**

PB 17-06 Miller Homes & Building LLC:

### **Brief Description of Agenda Item:**

Request for conditional rezoning from AG (Agricultural) to C-GB (Conditional- General Business) on property located at 155 Survey Road for a bakery/light sandwich restaurant, Tax Map 15, Lot 47B, Moyock Township.

### **Planning Board Recommendation:**

<Planning Board Recommendation, IF NOT A PLANNING BOARD ITEM ERASE COMPLETELY>

### **Board Action Requested**

Action

### **Person Submitting Agenda Item**

Tammy Glave,

### **Presenter of Agenda Item**

Tammy Glave



**STAFF REPORT  
PB 17-06 MILLER HOMES &  
BUILDING LLC  
PLANNING BOARD  
MARCH 13, 2018**

### APPLICATION SUMMARY

<b>Property Owner:</b> Miller Homes & Building LLC 111 Currituck Commercial Drive, Suite B Moyock NC 27958	<b>Applicant:</b> Miller Homes & Building LLC 111 Currituck Commercial Drive, Suite B Moyock NC 27958
<b>Case Number:</b> PB 17-06	<b>Application Type:</b> Conditional Rezoning
<b>Parcel Identification Number:</b> 0015-000-047B-0000	<b>Existing Use:</b> Single-Family Dwelling and Outbuilding
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 1.05
<b>Moyock SAP Classification:</b> Full Service	
<b>Zoning History:</b> A-40 (1974); AG (1989)	<b>Plan Request:</b> Bakery, Light Sandwich Restaurant
<b>Current Zoning:</b> AG	<b>Proposed Zoning:</b> C-GB

### SURROUNDING PARCELS

	<b>Land Use</b>	<b>Zoning</b>
North	Cultivated Farmland and Single-Family Dwelling	AG
South	Golf Course	AG
East	Cultivated Farmland	GB
West	Residential Subdivision (Lakeview)	SFM w/ PUD Overlay

### STAFF ANALYSIS

The applicant is requesting a conditional rezoning from AG (Agricultural) to C-GB (Conditional-General Business). The proposed use is a bakery/light sandwich restaurant and the applicant offers the following conditions:

1. The following uses are prohibited without additional approval from Currituck County Board of Commissioners: Night Clubs, Bar, Automotive Sales, Shopping Center, Pawn Shop, Arena, Stadium, Wind Energy, Major Utility, Helicopter Landing, Halfway House, or Boat Sales.

This conditional rezoning request for C-GB is reasonable because a specialty eating establishment (bakery) and sandwich shop will provide a new type of business to serve the neighborhood and will promote economic growth. According to the Land Use Plan, Moyock is the fastest growing area of the county and the heightened residential development interest has brought with it pressure for more retail services that follow such development.

This conditional rezoning request could also be considered as an expansion of the GB zoning district adjoining the property, approximately 23 acres.

## REVIEW STANDARDS

In determining whether to adopt or deny a proposed conditional rezoning, the Board of Commissioners may weigh the relevance of and consider whether and to the extent to which the proposed amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO:
  - It is consistent with the 2006 LUP including the following policies:
    - POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional sprawl: 2) COMPACT, MIXED USE DEVELOPMENTS, OR DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. These types of development are contemplated for the Full Service area.
    - POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designed, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.
  - It is consistent with the following policies in the Moyock Small Area Plan:
    - POLICY IS1: The costs of infrastructure, facilities, and services related to new growth and development should be borne primarily by those creating the demand.
    - POLICY ST1: Promote the establishment of an area dedicated to community serving businesses that foster a small town, main street feel.
  - The request is consistent with the purpose of the UDO as it adheres to the policies and objectives of county adopted plans regarding growth and development.
2. Is in conflict with any provision of this ordinance, or the County Code of Ordinances;
  - Staff is not aware of any conflicts with the ordinance or the Code of Ordinances.
3. Is required by changed conditions;
  - Staff is not aware of changed conditions that warrant the rezoning.
4. Addresses a demonstrated community need;
  - Over 48% of respondents to a recent Imagine Currituck survey prioritized encouraging small commercial businesses such as restaurants or local retail shops as the number one effort the county should take to encourage nonresidential development.
5. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
  - The request for a neighborhood serving commercial use, which is also an extension of an adjoining GB zoning district, is an appropriate zoning district.
6. Adversely impact nearby lands;
  - Since this is a compatible use and an expansion of an adjoining GB zoning district, staff is not aware of any impacts that would adversely impact nearby lands.
7. Would result in a logical and orderly development pattern;
  - This neighborhood serving commercial use is compatible with planned and existing neighborhood serving commercial uses such as a school.
  - It is logical and orderly to expect commercial uses to follow the increased residential development in the area.
8. Would result in significant adverse impacts on the natural environment – including, but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;

- Staff is not aware of any adverse impacts on the natural environment because of the proposed rezoning. The building is already on the property

9. Would result in development that is adequately served by public facilities;

- There are adequate public facilities to serve this development.

10. Would not result in significantly adverse impacts on the land values in the surround area; and,

- It is staff's opinion that a neighborhood serving commercial use and the expansion of the adjoining GB zoning district will not result in significantly adverse impacts on the land values in the surrounding area.

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

- It is staff's opinion that a neighborhood serving commercial use and the expansion of an adjoining GB zoning district will not be in conflict with the public interest and is in harmony with the purpose and intent of this ordinance.

## RECOMMENDATIONS

### STAFF

Staff recommends approval of this request subject to the applicant's imposed condition:

- Use: Bakery and specialty sandwich shop.
- The following uses are prohibited without additional approval from Currituck County Board of Commissioners: Night Clubs, Bar, Automotive Sales, Shopping Center, Pawn Shop, Arena, Stadium, Wind Energy, Major Utility, Helicopter Landing, Halfway House, or Boat Sales.

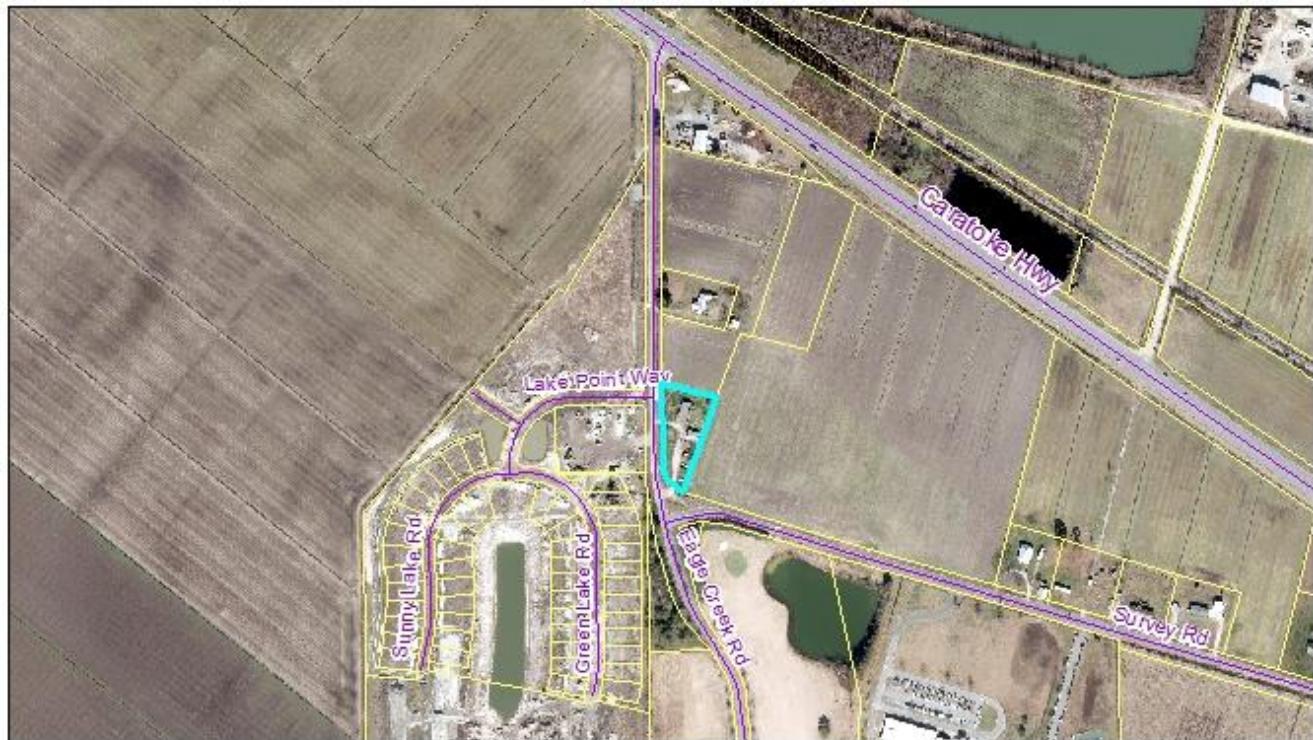
## CONSISTENCY AND REASONABILITY STATEMENT

The request is consistent with all county-adopted plans that are applicable because it:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
2. Is consistent with the 2006 LUP and the Moyock Small Area Plan;
3. Is not in conflict with any provision of this ordinance, or the County Code of Ordinances;
4. Addresses a demonstrated community need;
5. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
6. Does not adversely impacts nearby lands;
7. Will result in a logical and orderly development pattern;
8. Would not 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;
9. Would result in development that is adequately served by public facilities;
10. Would not result in significantly adverse impacts on the land values in the surround area; and,
11. Would not conflict with the public interest and is in harmony with the purposes and intent of this ordinance.

The request is reasonable because the use is similar to the existing and proposed uses surrounding the land subject to the application. This is the appropriate zoning district and use for the land because neighborhood serving commercial uses are allowed in the C-GB zoning district. This parcel fits that description since it is off the highway and within walking distance of a school and several neighborhoods.

APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE  
Planning Board: [www.co.currituck.nc.us/planning-board-minutes-current.cfm](http://www.co.currituck.nc.us/planning-board-minutes-current.cfm)



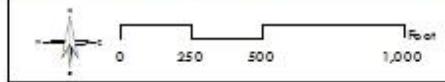
PB 17-06 Miller Homes & Building LLC  
Conditional Rezoning  
2016 Aerial Photography



Currituck County  
Planning and  
Community Development



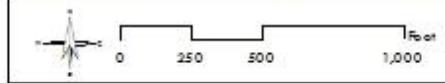
PB 17-06 Miller Homes & Building LLC  
Conditional Rezoning  
Zoning



Currituck  
County  
Planning  
and  
Community Development



PB 17-06 Miller Homes & Building LLC  
Conditional Rezoning  
LUP Classification



Currituck  
County  
Planning  
and  
Community Development



PB 17-06 Miller Homes & Building LLC  
Conditional Rezoning  
Moyock SAP Classification



Currituck County  
Planning and  
Community Development



PB 17-06 Miller Homes & Building LLC  
Conditional Rezoning  
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Attachment: 17-06 Sam Miller C-GB Rezoning Staff Report (PB 17-06 Miller Homes & Building LLC)





## Currituck County

Department of Planning and Community Development  
 153 Courthouse Road, Suite 110  
 Currituck, North Carolina 27929  
 252-232-3055  
 FAX 252-232-3026

### MEMORANDUM

**To:** Sam Miller, Miller Homes & Building LLC  
**From:** Tammy Glave, Senior Planner  
**Date:** February 13, 2018  
**Re:** PB 17-06 Miller Homes, Conditional Rezoning, TRC Comments

The following comments have been received for the February 21, 2018 Technical Review Committee meeting. The conditional rezoning will require Planning Board recommendation and Board of Commission's action. TRC comments are valid for six months from the date of the TRC meeting.

#### **Planning (Tammy Glave, 252-232-6025)**

Reviewed with comment:

1. Consider condition that non-conforming off-street parking, landscaping, perimeter buffers, and screening be brought into compliance with the UDO regardless of the percentage of value of structure being improved. (See UDO Section 8.6 Nonconforming Sites for reference.)

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

Reviewed without comment.

#### **Currituck County Code Enforcement (Stacey Smith, 252-232-6027)**

Reviewed without comment.

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

Approved without comment.

#### **Currituck County Fire Marshal (James Mims, 252-232-6641)**

Reviewed without comment.

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

Reviewed without comment.

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

Reviewed without comment.

#### **Currituck Soil and Water (Will Creef, 252-232-3360)**

Reviewed without comment.

**Currituck County Utilities - Water (Yama Jones, 252-232-6061)**

Reviewed without comment.

**Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)**

Reviewed with comments:

1. Owner needs to consult with Kevin Carver RS (252-232-6603-ARHS) concerning wastewater treatment and disposal for proposed business.
2. Please call NC Dept. of Agriculture (919-733-7366) concerning approval for baker on site. Call David Sweeney RS (252-338-4470-ARHS) if proposing to process food on site.

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

Reviewed without comment.

**NC Office of State Archaeology (Mary Beth Fitts, 919-807-6554)**

Reviewed without comment.

**US Postal Service, Moyock Postmaster**

1. Please contact the local postmaster (Moyock) to determine the mode of delivery and type of delivery equipment.

2/2/18 155 Survey Rd. MINUTES

\* CONDITIONAL REZONING COMM. MTG. \*

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DORIS FLORIA 252-435-6243

FRANK FLORIA SR. 435-3180

TAMMY GLASER

SAM MILLER

IN FAVORABLE OF BAKERY OR BUSINESS.

GIVES US BEST OF LUCK



2/2/18



## Conditional Rezoning Application

OFFICIAL USE ONLY:  
 Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

#### APPLICANT:

Name: Miller Homes & Building, LLC  
 Address: 111 Currituck Comm Dr.  
Suite B.  
 Telephone: 252-435-6402  
 E-Mail Address: smiller@laurelwoodsestates.com

#### PROPERTY OWNER:

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

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

### Property Information

Physical Street Address: 155 Survey Road

Location: Moyock, NC

Parcel Identification Number(s): 0015-000-047B-0000

Total Parcel(s) Acreage: 1.05

Existing Land Use of Property: Residential

### Request

Current Zoning of Property: AG      Proposed Zoning District: CGB

### Community Meeting

Date Meeting Held: February 2nd, 2018      Meeting Location: A Betterway Realty

## 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):**

Bakery / Light Sandwich Restaurant (Intended)

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**Proposed Zoning Condition(s):**

The following uses are prohibited without additional approval from Currituck County Board of Commissioners:

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Night Clubs, Bar, Automotive Sales, Shopping Center, Pawn Shop, Arena, Stadium, Wind Energy,

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Major Utility, Helicopter Landing, Halfway House, or Boat Sales.

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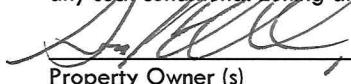
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An application has been duly filed requesting that the property involved with this application be rezoned from:  
AG to: Conditional GB

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.

 MANAGER  
 Property Owner (s)

2/2/18

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.**