



**Planning Board
Agenda Packet**

December 14, 2021

Work Session

5:30 PM

Call to Order - 6:00 PM

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

Approval of Minutes for October 12, 2021**Old Business****New Business**

- A) **PB 21-26 Royal Farms Conditional Rezoning:** Two Farms, Inc. requests conditional rezoning of 3.55-acres from GB/SFM to C-GB, the properties are located south of the intersection of Caratoke Highway and Walnut Island Blvd.
- B) **PB 21-24 W & J Development, LLC:** Requests a text amendment to the Unified Development Ordinance to modify the allowable uses and maximum building size in the MXR (Mixed Residential) zoning district.
- C) **PB 21-28 Currituck County Text Amendment:** Request to amend the Currituck County Unified Development Ordinance, Chapter 4. Use Standards, to allow Elementary and Middle Schools in the AG and SFI zoning district subject to a zoning compliance permit.

Announcements**Adjournment**



**CURRITUCK COUNTY
NORTH CAROLINA**

October 12, 2021

Minutes – Regular Meeting of the Planning Board

WORK SESSION

The Currituck County Planning Board held a work session at 5:30 PM in the Historic Courthouse Board Meeting Room with four board members present. Staff members present were Kevin Kemp, Development Services Director; Tammy Glave, Senior Planner; and Cheri Elliott, Clerk to the Planning Board. The board members were briefed concerning the agenda item with the work session concluding at 6:00 PM.

CALL TO ORDER - 6:00 PM

The Planning Board met for a regular meeting in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Present	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Absent	
Thomas Hurley	Board Member	Absent	
Juanita S. Krause	Board Member	Present	
Kevin Kemp	Development Service Director	Present	
Tammy Glave	Senior Planner	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Ballance called the meeting to order at 6:00 PM.

A. Pledge of Allegiance & Moment of Silence

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

B. Ask for Disqualifications

Chairman Ballance asked if any board member had a conflict of interest with the agenda item tonight. There were no conflicts noted.

C. Announce Quorum Being Met

Chairman Ballance announced a quorum being met with four board members present.

Communication: Planning Board Minutes - October 12, 2021 (Approval of Minutes for October 12, 2021)

D. Approval of Agenda

Chairman Ballance asked if there were any necessary changes to the agenda tonight. Mr. Bass motioned to approve as presented. Vice-Chairman Owens seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	K. Bryan Bass, Board Member
SECONDER:	Garry Owens, Vice Chairman
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, Juanita S. Krause, Board Member
ABSENT:	David Doll, Board Member, Thomas Hurley, Board Member

APPROVAL OF MINUTES FOR SEPTEMBER 14, 2021

Chairman Ballance asked if there were any changes needed for the September 14, 2021 meeting minutes. Ms. Krause motioned to approve as presented. Mr. Bass seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Juanita S. Krause, Board Member
SECONDER:	K. Bryan Bass, Board Member
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, Juanita S. Krause, Board Member
ABSENT:	David Doll, Board Member, Thomas Hurley, Board Member

E. Planning Board Minutes - September 14, 2021

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

A. PB 21-20 Baxter Station:

Tammy Glave presented the staff report along with a PowerPoint presentation, she explained the subject property is designated as Rural in the 2006 Land Use Plan, but it is designated as Full Service in the Moyock Small Area Plan. The Land Use Plan will be amended if the request is approved. She gave the conceptual lay-out plan and went over the history of previous requested applications for the parcel, reviewed the drainage plan, and gave the applicant's proposed improvements/conditions. She said Dylan Lloyd, the Currituck County Soil and Water Conservation Manager, believes the applicant's proposed conditions will help the drainage in the area. She went over the agreed upon conditions along with the suggested Technical Review Committee's conditions and said staff is recommending approval subject to these conditions being met.

Mark Bissell came before the board. He presented a presentation and summarized the request. He said there are two planned entrances with one of those entrances connected

to Hidden Oaks subdivision. He went over the drainage, amenities, and proposed conditions. To help with the drainage, they are replacing an undersized culvert which is too high and is resting on an existing water pipe. They are working with Dylan Lloyd to obtain the right of entry to fix the culvert. Mr. Bissell said there is a demand in Moyock for the age restricted community with the current aging population, it is not in conflict with the Unified Development Ordinance and is compatible with the surroundings.

Board members asked questions concerning the previous approved age restricted community in Grandy, Waterside, switching back from the retirement community, who would enforce the age restrictions and how often. Mr. Bissell said the Home Owners Association (HOA) would be the enforcer and the neighbors could file suit if the age restriction is not enforced. There were also discussions on the amount of traffic and if a traffic light would be installed at the intersection. Mr. Bissell said it would probably have a traffic light at the intersection on Caratoke Highway.

The public comment was opened and closed with no one present to speak.

Chairman Ballance motioned to approve PB 21-20 Baxter Station Conditional Rezoning since the request is consistent with and amends the 2006 Land Use Plan by designating this property as Full-Service on the future land use map because the amendment recognizes and implements the Full-Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners. The request is reasonable and in keeping with the changed conditions acknowledged by the Moyock Small Area Plan and addresses the demonstrated community need of providing a Full-Service area.

Including the agreed upon conditions of approval:

1. Regarding Age Restriction: The use of the property shall be limited to an age-restricted residential community where all units are occupied by occupants fifty-five (55) years of age or older. Before the issuance of the first building permit for the first dwelling unit, Developer will record a restrictive covenant in the homeowners' association documents restricting the use accordingly, requiring occupants to certify the age of all household occupants at least once every two years, and providing for enforcement of such restriction.
2. Regarding Drainage Improvements: Drainage improvements will be provided as follows:
 - a. Perform modeling of the Baxter ditch to its outlet on the Jarvis (Landing) property.
 - b. Based on model results, make improvements to Baxter Lane ditch along the Baxter Station property boundary, including widening, deepening, laying back side slopes and putting on proper grade. Improvements to be completed prior to putting first plat phase of subdivision to record.
 - c. Record an easement along the Baxter Station part of the ditch to provide access for ongoing maintenance.

- d. Include a provision in the covenants of Baxter Station that clarifies that the HOA will have the responsibility to maintain the Baxter Lane ditch through the subdivision at least annually, and budget for funding within the HOA dues structure to assure that ongoing maintenance is funded.
- e. Model the Baxter Station to manage the 100-year storm event and provide stormwater storage, including berms as necessary, to prevent runoff from Baxter Station during the 100-year storm event from adversely impacting offsite properties.
- f. If Currituck County is able to obtain the necessary right of entry agreements, the existing undersized culvert at Baxter Lane Extension will be replaced with a properly sized culvert set at the proper grade.

And also including the three conditions recommended by the Technical Review Committee:

1. That the developer will lower or move the waterline located at the end of Baxter Lane to provide proper separation to the new drainage culvert. Public Utilities must approve the construction plan prior to work beginning on the culvert/waterline.
2. The 2006 Land Use Plan future land use map must be amended to identify the property as Full-Service as part of the motion for approval.
3. Should the development stop participating in the voluntary HUD regulated age-restricted community program, an amended conditional zoning request must be approved prior to those less than 55 years old occupying a dwelling unit.

Vice Chairman Owens seconded the motion, but the motion failed with a 2-2 vote; Ms. Krause and Mr. Bass voting nay. The request is **denied** as it did not receive approval by a majority vote as stated in the Currituck County Planning Board Rules of Procedure.

RESULT:	RECOMMENDED DENIAL [2 TO 2]	Next: 11/1/2021 6:00 PM
MOVER:	C. Shay Ballance, Chairman	
SECONDER:	Garry Owens, Vice Chairman	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman	
NAYS:	K. Bryan Bass, Board Member, Juanita S. Krause, Board Member	
ABSENT:	David Doll, Board Member, Thomas Hurley, Board Member	

ANNOUNCEMENTS

Kevin Kemp gave updates:

Next Monday there will be a meeting concerning the county finances.

10/27 - Joint Meeting of the Board of Commissioners (BOC) and Currituck County Board of Education

11/15 - Moyock Wastewater Meeting

Mr. Kemp also reviewed the approvals and denials of the last BOC meeting and gave information concerning the Currituck County Jeans Friday to raise money for charity

(allowing county employees to wear jeans on Friday for a small fee which is donated to Currituck County Social Services).

Board members requested a cheat sheet for sewage usage for businesses, etc. Mr. Kemp said he would have that available at the next meeting.

ADJOURNMENT

Mr. Bass motioned to adjourn the meeting. Vice-Chairman Owens seconded the motion and the meeting adjourned at 6:54 PM.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3300

Agenda Item Title: PB 21-26 Royal Farms Conditional Rezoning:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jason Litteral

Board Action: Action

Brief Description of Agenda Item:

Two Farms, Inc. requests conditional rezoning of 3.55-acres from GB/SFM to C-GB, the properties are located south of the intersection of Caratoke Highway and Walnut Island Blvd.

Planning Board Recommendation:

Staff Recommendation: Approval with Conditions

TRC Recommendation: Approval with Conditions



**STAFF REPORT
PB 21-26 ROYAL FARMS
CONDITIONAL ZONING
PLANNING BOARD
DECEMBER 14, 2021**

APPLICATION SUMMARY

Property Owner: Multiple Property Owners: See attachment A	Applicant: Two Farms, Inc. c/o Ward and Smith, P.A. 120 W Fire Tower Rd. Greenville, NC 28590 Attn: Drake Brinkley/Clint Cogburn
Case Number: PB 21-26	Application Type: Conditional Rezoning
Parcel Identification Number: 1) 0107000059A0000 2) 0107000061A0000 3) 010700000620000 4) 0107000067A0000	Existing Use: 1) Retail 2) Vacant 3) Vacant 4) Single Family Dwelling
Land Use Plan Classification: Full Service	Parcel Size (Acres): 3.55
	Zoning History: Recreational Residential – 1989 General Business – 2013
Current Zoning: General Business	Proposed Zoning: Conditional General Business
Request: Conditional rezoning of multiple properties currently zoned General Business and Single-Family Mainland to Conditional General Business to allow construction of a convenience store with fuel sales. The properties are located on the south side of the intersection of Caratoke Hwy. and Walnut Island Blvd. in Grandy, Poplar Branch Township.	

REQUEST

NARRATIVE

The applicant is requesting conditional rezoning of four parcels, including three General Business parcels and one Single Family Mainland parcel, which have a combined area of 3.55 acres and are proposed to be zoned Conditional-General Business. The parcels will be recombined to accommodate a new Royal Farms convenience store with fuel sales. Historically, located at the corner of Caratoke Hwy. and Walnut Island Blvd was a 7-Eleven convenience store with fuel sales. However, currently the building is being used for retail sales and the fuel tanks and pumps have been removed. The applicant has been working closely with staff, during the concurrent major site plan review process, to achieve a development that will enhance the grandy commercial area while remaining in harmony with the surrounding communities. The community compatibility standards of the UDO provide requirements for the appearance of the rear of the site and building, which will ease the transition from the convenience store to Walnut Island subdivision.

COMMUNITY MEETING

- 1) Time/Location. The community meeting ("Community Meeting") was held at 5:30PM on Tuesday, September 14, 2021, at the Jarvisburg Church of Christ located at 121 Forbes Road, Jarvisburg, NC 27947. Enclosed is a copy of the notice that was mailed to the provided list of

nearby property owners, and a copy of that provided list.

- 2) Attendees. In attendance at the Community Meeting on behalf of Two Farms, Inc. were Drake Brinkley of Ward and Smith, P.A., Andrew Mueller of BL Companies, and William McAnally of BL Companies. The following individuals signed the attendee sheet at the Community Meeting: Teresa MacPherson, Jim Branthask, Steve Danna, Nancy M. Walker, Barry M. Walker, Robert S. Seelow, Jim Hoverbrook, Mike Payment, Michele Thomas, Curtis Inge, Matthew Sweeley, Leslie Knoffler, and Colon Grandy (please note we have attempted to spell the preceding names correctly based on the handwritten names provided by such attendees). Jason Litteral attended on behalf of the Currituck County planning staff. Enclosed is a redacted version of the sign in sheet provided at the meeting.
- 3) Material Discussed / Issues Relates to Application. Drake Brinkley introduced the project to the attendees. He discussed the proposed use, a Royal Farms convenience store with gasoline sales. He, and those in attendance from BL companies, explained the current conceptual design. Drake also explained the conditional rezoning process, the current status of the project in the process, and the projected target dates for future steps in the conditional rezoning process.
- 4) Summary of Attendee Comments. The Two Farms, Inc. team fielded a variety of questions about the project, primarily about ingress/egress locations, traffic impacts along both Caratoke Highway and Walnut Island Blvd., and how the back parcel (the current single-family parcel) would be utilized.
- 5) Addressing Attendee Comments. The Two Farms, Inc. team provided information in response to the various questions asked by attendees. With regard to how the back parcel (single-family parcel) would be utilized, the current conceptual plan was shown to the attendees, and it was explained that based on the current conceptual design the store and parking would not be located on the back parcel. Regarding the various questions associated with traffic and ingress/egress concerns, the current conceptual plan was explained to the attendees, and additionally, it was noted that much of the design associated with such topics will be dependent on the DOT analysis. The Two Farms, Inc. team welcomed any additional questions/comments from attendees.

CONDITIONS OF APPROVAL

The applicant submitted the following conditions of approval:

1. All permitted uses in the General Business ((IB) zoning district shall be allowed, except for the following:
 - a. Equestrian Facility
 - b. Farmers Market
 - c. Nursery, Production
 - d. Agricultural Research Facility
 - e. Distribution Hub for Agricultural and Agronomic Products
 - f. Farm Machinery Sale, Rental, and Service
 - g. Agricultural Retail Facility
 - h. Silviculture
 - i. Dormitory

- j. Family Care Home
- k. Rooming or Boarding House
- l. Adult Day Care Center
- m. Child Care Center
- n. All Educational Facilities
- o. All Government Facilities
- p. All Health Care Facilities
- q. All Institutions
- r. All Public Safety
- s. All Transportation
- t. Animal Shelter
- u. Kennel
- v. All Parking, Commercial
- w. All Recreation/Entertainment, Indoor
- x. All Recreation/Entertainment, Outdoor
- y. Bar, Nightclub, or Cocktail Lounge
- z. Entertainment Establishment
- aa. Funeral Home
- bb. Pawn Shop
- cc. Shopping Center
- dd. Winery
- ee. All Vehicle Sales and Services, Heavy ff. Automotive Parts and Installation
- gg. Automobile Repair and Servicing (Including Painting/Bodywork)
- hh. Automobile Sales or Rentals
- ii. Taxicab Service
- jj. All Visitor
- kk. All Accommodations
- ll. All Industrial Uses

SURROUNDING PARCELS		
	Land Use	Zoning
North	Hardee's	General Business
South	Vacant	General Business/Single Family Mainland
East	Walnut Island Subdivision	Single Family Mainland
West	Dunkin Donuts/Convenience/Fuel Sales	General Business

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Full Service within the Grandy subarea. The policy emphasis for the Grandy subarea is to allow Grandy to further evolve as a community center in its own right. The proposed plan is consistent with the policies of the plan, some of which are:

Policy CD2	Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development and minimize traffic generation.
Policy CD4	HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.
Policy ED1	NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

RECOMMENDATION

Technical Review Committee

The Technical Review Committee recommends approval of the conditional rezoning subject to the following conditions:

1. Modify the rear building elevation to fully comply with the community compatibility standards of the UDO.

The applicant has been working closely with staff to meet the community compatibility standards. This will be resolved prior to approval of the Major Site Plan.

CONSISTENCY AND REASONABLENESS STATEMENT

A conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

This conditional zoning request is:

- 1) *consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance.*
- 2) *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.*

It is reasonable and in the public interest because it:

- 1) *would result in a logical and orderly development pattern.*
- 2) *would not conflict with the public interest and is in harmony with the purposes and intent of this Ordinance.*

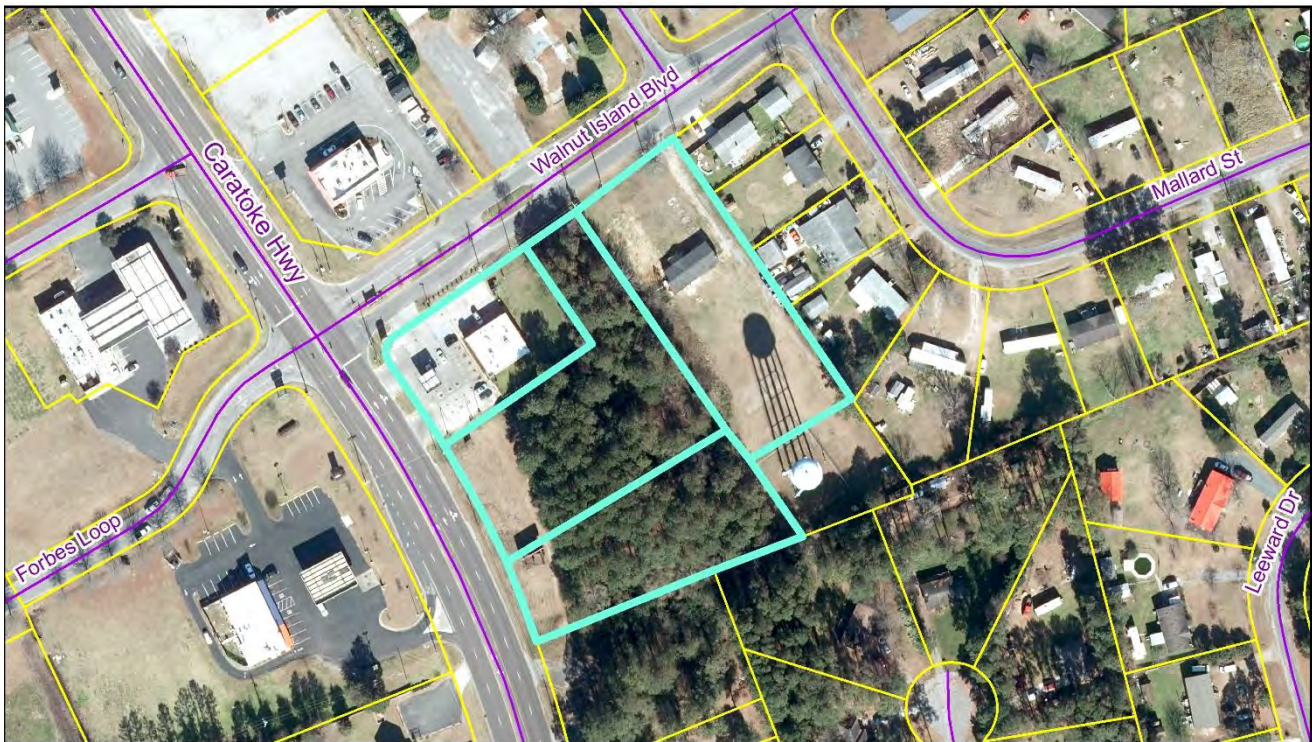
CONDITIONS OF APPROVAL

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

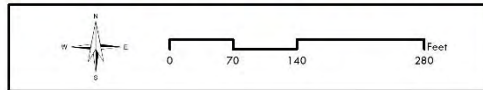
Agreed upon conditions of approval:

1. *Front elevation fenestration shall be increased to 50 percent.*
2. *The front elevation shall include a pitched roof element.*

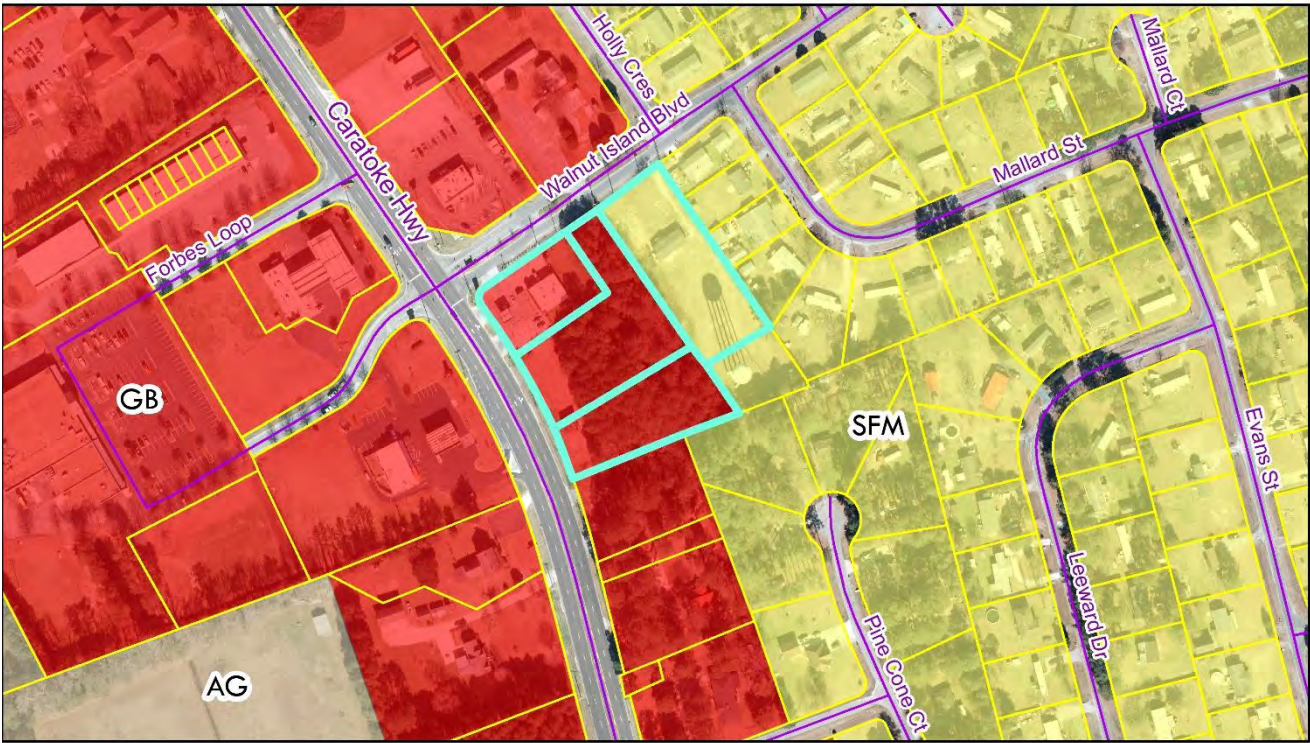
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



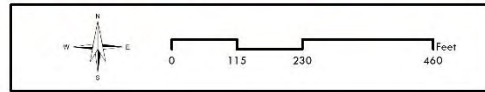
Royal Farms
Aerial



Currituck County
Planning and Community
Development



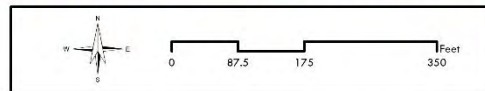
Royal Farms
Zoning



Currituck County
Planning and Community
Development



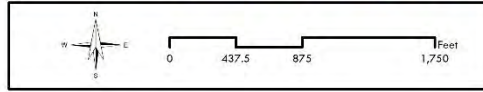
Royal Farms
Land Use Plan Classes



Currituck County
Planning and Community
Development



Royal Farms
Vicinity Map



Currituck County
Planning and Community
Development



Conditional Rezoning Review Process

Contact Information

Currituck County
Planning and Community Development
153 Courthouse Road, Suite 110
Currituck, NC 27929

Phone: 252.232.3055
Fax: 252.232.3026

Website: www.co.currituck.nc.us/departments/planning-community-development

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 Planning and Community Development 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 Planning 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 Planning 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 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 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 Planning 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. 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:

- Completed Currituck County Conditional Rezoning Application.
- Application Fee (\$200 plus \$5 for each acre)
- 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.
- Number of Copies Submitted:
 - 2 Copies of conceptual site plans
 - 2 Hard copies of ALL documents
 - 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents

On 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 that 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 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 Planning 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 Planning 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: Two Farms, Inc.
 Address: c/o Ward and Smith, P.A., 120 W Fire Tower Rd.
Greenville, NC 28590, Attn: Drake Brinkley/Clint Cogburn
 Telephone: (252) 215-4014; (828) 777-9902
 E-Mail Address: jdrinkley@wardandsmith.com; chcogburn@wardandsmith.com

PROPERTY OWNER:

Name: See Exhibit A.
 Address: _____
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser/Authorized Agent

Property Information

Physical Street Address: See Exhibit A.
 Location: Located adjacent to intersection of Walt Island Blvd and Caratoke Highway
 Parcel Identification Number(s): See Exhibit A.
 Total Parcel(s) Acreage: 3.55 Acres (Legal); 3.58 Acres (GIS)
 Existing Land Use of Property: General Business/Single-Family Residential Mainland

Request

Current Zoning of Property: GB & SFM Proposed Zoning District: C-GB

Community Meeting

Date Meeting Held: September 14, 2021 Meeting Location: See Exhibit B.

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):

The proposed use is a Royal Farms convenience store with gas sales.

Proposed Zoning Condition(s):

See Exhibit C.

An application has been duly filed requesting that the property involved with this application be rezoned from:
GB & SFM to: C-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.

See Attached Signature Pages.

Property Owner (s)

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: _____

Applicant/Property Owner: _____

Conditional Rezoning Design Standards Checklist		
1	Property owner name, address, phone number, and e-mail address.	
2	Site address and parcel identification number.	
3	A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements.	
4	North arrow and scale to be 1" = 100' or larger.	
5	Vicinity map showing property's general location in relation to streets, railroads, and waterways.	
6	Existing zoning classification of the property and surrounding properties.	
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.	
8	Approximate Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County."	
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.	
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.	
11	Proposed building footprints and usages.	
12	Proposed traffic, parking, and circulation plans including streets, drives, loading and service areas, parking layout, and pedestrian circulation features.	
13	Approximate location of storm drainage patterns and facilities intended to serve the development.	
14	Proposed common areas, open space set-asides, anticipated landscape buffering, and fences or walls (if proposed).	
15	Architectural drawings and/or sketches illustrating the design and character of the proposed uses.	
16	Proposed development schedule.	

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: _____

Applicant/Property Owner: _____

Conditional Rezoning Submittal Checklist

1	Complete Conditional Rezoning application	
2	Application fee (\$200 plus \$5 for each acre or part thereof)	
3	Community meeting written summary	
4	Conceptual development plan	
5	Architectural drawings and/or sketches of the proposed structures.	
6	2 copies of plans	
7	2 hard copies of ALL documents	
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

For Staff Only

Pre-application Conference

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

Comments

EXHIBIT A

PARCEL INFORMATION

1. Parcel Address: 6511 Caratoke Highway, Grandy, NC 27939
Parcel ID: 0107000059A0000
PIN: 9922-10-4601
Owner: Key Properties LLC
Owner Contact: Neal Zarou, 12942 Oxon Road, Herndon, VA 20171
2. Parcel Address: Caratoke Highway, Grandy, NC 27939
Parcel ID: 0107000061A0000
PIN: 9922-10-5514
Owner: Key Properties LLC
Owner Contact: Neal Zarou, 12942 Oxon Road, Herndon, VA 20171
3. Parcel Address: 6523 Caratoke Highway, Grandy, NC 27939
Parcel ID: 010700000620000
PIN: 9922-10-5480
Owner: Charles E. Johnson Jr, as trustee and Patricia A. Johnson, as trustee
Owner Contact: 14906 Cranoke Street, Centreville, VA 21210
4. Parcel Address: 104 Walnut Island Boulevard, Grandy, NC 27939
Parcel ID: 0107000067A0000
PIN: 9922-10-6645
Owner: Richard F. Davis, II
Owner Contact: 103 John Cabot Court, Kill Devil Hills, NC 27948

EXHIBIT B

Community Meeting Summary

Two Farms, Inc. / Grandy, NC

1. Time / Location. The community meeting ("Community Meeting") was held at 5:30 PM on Tuesday, September 14, 2021, at the Jarvisburg Church of Christ located at 121 Forbes Road, Jarvisburg, NC 27947. Enclosed is a copy of the notice that was mailed to the provided list of nearby property owners, and a copy of that provided list.
2. Attendees. In attendance at the Community Meeting on behalf of Two Farms, Inc. were Drake Brinkley of Ward and Smith, P.A., Andrew Mueller of BL Companies, and William McAnally of BL Companies. The following individuals signed the attendee sheet at the Community Meeting: Teresa MacPherson, Jim Branthask, Steve Danna, Nancy M. Walker, Barry M. Walker, Robert S. Seelow, Jim Hoverbrook, Mike Payment, Michele Thomas, Curtis Inge, Matthew Sweeley, Leslie Knoffler, and Colon Grandy (please note we have attempted to spell the preceding names correctly based on the handwritten names provided by such attendees). Jason Litteral attended on behalf of the Currituck County planning staff. Enclosed is a redacted version of the sign in sheet provided at the meeting.
3. Material Discussed / Issues Relates to Application. Drake Brinkley introduced the project to the attendees. He discussed the proposed use, a Royal Farms convenience store with gasoline sales. He, and those in attendance from BL companies, explained the current conceptual design. Drake also explained the conditional rezoning process, the current status of the project in the process, and the projected target dates for future steps in the conditional rezoning process.
4. Summary of Attendee Comments. The Two Farms, Inc. team fielded a variety of questions about the project, primarily about ingress/egress locations, traffic impacts along both Caratoke Highway and Walnut Island Blvd., and how the back parcel (the current single-family parcel) would be utilized.
5. Addressing Attendee Comments. The Two Farms, Inc. team provided information in response to the various questions asked by attendees. With regard to how the back parcel (single-family parcel) would be utilized, the current conceptual plan was shown to the attendees and it was explained that based on the current conceptual design the store and parking would not be located on the back parcel. Regarding the various questions associated with traffic and ingress/egress concerns, the current conceptual plan was explained to the attendees, and additionally, it was noted that much of the

design associated with such topics will be dependent on the DOT analysis. The Two Farms, Inc. team welcomed any additional questions/comments from attendees.



CLINTON H. COGBURN, Attorney at Law

82 Patton Avenue, Suite 300 (28801)
 Post Office Box 2020
 Asheville, NC 28802-2020

P: 828.348.6012
 F: 828.348.6077
 chcogburn@wardandsmith.com

September 1, 2021

VIA MAIL

[ADD NAME/ADDRESS]

RE: Neighborhood Meeting -- Proposed Royal Farms Convenience Store
 6511 Caratoke Highway, Grandy, NC
 Our File: 211113-00001

Dear Neighbor:

We are writing to invite you to a neighborhood meeting to discuss a proposed Royal Farms convenience store to be located at 6511 Caratoke Highway, Grandy, North Carolina. We represent Royal Farms in rezoning the subject property to allow for the development of a convenience store with gas pumps. We have consulted with Currituck County Planning and Development staff regarding this project and before we file our application, we wanted to introduce this project to the community, discuss Royal Farms' vision for the development, receive and integrate the community's feedback, and answer any questions you may have concerning the site.

Royal Farms currently has over 200 locations serving Delaware, Maryland, New Jersey, Pennsylvania, and Virginia. Royal Farms develops, maintains, and operates quality convenience stores that provide communities and visitors with a variety of fresh, prepared foods, coffees, drinks, snacks, select grocery/convenience products, and gasoline/diesel fuel. Throughout its history, Royal Farms has been committed to delivering value to its customers and providing its communities with a safe, friendly, and convenient location for people to get gas, grab something to eat, or purchase a few convenience products on the way to their next destination. Royal Farms looks forward to providing that same level of service to the people of Grandy and Currituck County.

Concerning the proposed development, the site includes four (4) parcels, totaling approximately 3.55 acres, and located at the corner of Caratoke Highway and Walnut Island Boulevard. Four of the parcels are presently zoned General Business (GB), which permits a convenience store with gas pumps. The remaining parcel is zoned Single Family-Mainland. We are proposing to conditionally rezone all parcels to General Business (GB) with conditions on the permitted uses allowed at the site.

ASHEVILLE

GREENVILLE

NEW BERN

RALEIGH

WILMINGTON

www.wardandsmith.com

Attachment: Application (PB 21-26 Royal Farms Conditional Rezoning)

WARD AND SMITH, P.A.

[ADD NAME/ADDRESS]

September 1, 2021

Page 2

We will be holding a neighborhood meeting to provide further information and detail on the proposed development. The details for that meeting are as follows:

Date: Tuesday, September 14, 2021

Time: 5:30 PM – 6:30 PM

Location: Jarvisburg Church of Christ
121 Forbes Road
Jarvisburg, NC 27947

Given the ongoing COVID-19 pandemic, we ask that all attendees wear a mask when indoors and we will adhere to federal and state guidance on social distancing practices. We also understand that some individuals may not feel comfortable attending and we want to ensure all are included in the process. If you cannot attend or otherwise wish to participate in this process outside of the meeting, please do not hesitate to contact me (chcogburn@wardandsmith.com; 828-348-6012) or Drake Brinkley (jdrbrinkley@wardandsmith.com; 252-215-4014) with any questions or comments. We welcome your feedback and want to hear your thoughts about this development.

We thank you for your time and look forward to meeting with you. Royal Farms is excited about this site and is dedicated to being a great neighbor and community member for years to come.

Yours truly,

Clinton H. Cogburn

Attachment: Application (PB 21-26 Royal Farms Conditional Rezoning)

114 MALLARD STREET TRUST ADAMS, M EDWARD	C/O NANCY L WOODWORTH ADAMS, RAMONA Y	118 FARIS DR	GRANDY	NC	27939
AGUILAR, JUAN CALLES		2251 NAVIGATION PT	GOODVIEW	VA	24095
ANGEL, MARIA TERESA		PO BOX 3743	KILL DEVIL HILLS	NC	27948
BNE RESTAURANT GROUP II		113 HARBOUR BAY	KITTY HAWK	NC	27949
CASTELLOE, TERESA H	C/O DUFF & PHELPS #56-33-18340	PO BOX 2629	ADDISON	TX	75001
CERVANTES, CONRAD JR		111 HARRELLS LN	AHOSKIE	NC	27910
CLARK, HARRY E	CERVANTES, MANDY BRODIL	102 MALLARD ST	GRANDY	NC	27939
COLLINS, TERRY L	CLARK, SHARON L	112 LEEWARD DR	GRANDY	NC	27939
CRAWFORD, JOE D JR		102 FARIS DR	GRANDY	NC	27939
DAVIS, RICHARD F II	CRAWFORD, SONYA A	103 PINE CONE CT	GRANDY	NC	27939
DIECK, GEORGE EMANUEL III		103 JOHN CABOT CT	KILL DEVIL HILLS	NC	27948
EL POTRILLO INC		118 MALLARD ST	GRANDY	NC	27939
EQUITY TRUST COMPANY CUSTODIAN		102 MOYOCK COMMONS DR, SUITE H MOYOCK	MOYOCK	NC	27958
FLOYD, BAXTER RANDOLPH III	FBO JUNE COOK IRA	1304 ROSS DR SW	VIENNA	VA	22180
FORBES, GWEN	FLOYD, LISA CREDLE	391 NARROW SHORE RD	AYDLETT	NC	27916
GARCIA-FORBES, MARINA C	GARCIA, JOSE	106 LEEWARD DR	GRANDY	NC	27939
GOMEZ, SANTOS V	FORBES, GWENDOLYN A	106 LEEWARD DR	GRANDY	NC	27939
GRANDY EXPRESS LLC	MENDEZ, VICENTA R	1922 W 5TH STREET	KILL DEVIL HILLS	NC	27948
HALL, GEORGE RALPH II		353 SOUNDVIEW DR	KILL DEVIL HILLS	NC	27948
HAMMOCK, SURASAK M	HALL, MICHELLE F	PO BOX 367	GRANDY	NC	27939
HERNANDEZ, FERNANDO HERNANDEZ	HAMMOCK, VILAILUK T	102 HOLLY CRES	GRANDY	NC	27939
HORN BROOK, JAMES R	CALLES, FERNANDA MONTSERRAT HERNANDEZ	802 W THIRD ST	KILL DEVIL HILLS	NC	27948
JERNIGAN PROPERTIES INC	HORN BROOK, BARBARA Y	PO BOX 267	KITTY HAWK	NC	27949
JOHNSON, CHARLES E JR TRUSTEE		PO BOX 688	AHOSKIE	NC	27910
KENDRICK, SHIRLEY A	JOHNSON, PATRICIA A TRUSTEE	14906 CRANOKE ST	CENTREVILLE	VA	20120
KEY PROPERTIES LLC	WILLS, GREGORY E PC	116 MALLARD ST	GRANDY	NC	27939
KUSTER, JOHN E III	C/O NEAL ZAROU	12942 OXON RD	HERNDON	VA	20171
LOPEZ, FERNANDO PALOMAR		PO BOX 983	GRANDY	NC	27939
MCCULLEN, RONALD R.	DE PALOMAR, SONIA SANCHEZ	PO BOX 2051	KITTY HAWK	NC	27949
MCLEOD, CHRISTOPHER M		105 FARIS DR	GRANDY	NC	27939
MIDGETTE, DARLEEN H		104 FARIS DR	GRANDY	NC	27939
MIDGETTE, JUSTIN THOMAS		108 MALLARD ST	GRANDY	NC	27939
OCONNOR, ROBERT H TRUSTEE		1916 LYRA PL	WAKE FOREST	NC	27587
	OCONNOR, CATHLEEN B TRUSTEE	115 MOSELLE LN	ST JOHNS	FL	32259

ODELL, JANNIT LIFE TENANT	TERRY, TONIA OUTLAW	107 WALNUT ISLAND BLVD	GRANDY	NC	27939
OLIVER, CHARLES WAYNE	OLIVER, SHERRYL KUNZE BRICKHOUSE	106 HOLLY CRES	GRANDY	NC	27939
OLSON, JON T III		315 FLORIDA AVE	PORTSMOUTH	VA	23707
OWENS, TIFFANY L	OWENS, GLENDA HILL	101 PINE CONE CT	GRANDY	NC	27939
PALAZZOLO HOLDINGS LLC		6318 JASMINE RD	BILLINGS	MO	65610
PAQUETTE, ANN		104 LEEWARD DR	GRANDY	NC	27939
PATRICK, MICHAEL L	PATRICK, MARY ELISE	815 SPENCER CT	VIRGINIA BEACH	VA	23451
PIERCE, RONNIE D	PIERCE, BARBARA ANN	PO BOX 61	GRANDY	NC	27939
SAMPSON BLADEN OIL CO INC		PO BOX 469	CLINTON	NC	28329
SANTOS, WILLIAM	RUIZ, STEPHANIE GONZALEZ	103 FARIS DR	GRANDY	NC	27939
SCHMIDT, ERIC A		106 WALNUT ISLAND BLVD	GRANDY	NC	27939
SEARS, LEON RALPH JR	SEARS, TAMIMY MICHELLE	115 MALLARD ST	GRANDY	NC	27939
SEELOW, ROBERT S		102 PINE CONE CT	GRANDY	NC	27939
SJOERDSMA, FERN TRUSTEE	SJOERDSMA, ANN G TRUSTEE	263 N DOGWOOD TRL	KITTY HAWK	NC	27949
SMITH, JEFFERY L		103 CHARLES LN	AYDLETT	NC	27916
SMITH, MABLE MARIE		110 HOLLY CRES	GRANDY	NC	27939
THE SHOPS AT GRANDY OWNERS ASSOC INC	ATTN: THERESA PALAZZOLO	6318 JASMINE RD	BILLINGS	MO	65610
THOMAS, JAMES T	THOMAS, MICHELE	105 PINE CONE COURT	GRANDY	NC	27939
TYSON, CHESLEY DREW	TYSON, GWENDOLYN S	4125 PINEWAY DR	KITTY HAWK	NC	27949
VENARD, COLE L		104 PINE CONE CT	GRANDY	NC	27939
WALKER, BARRY M.	WALKER, NANCY M.	6534 CARATOKE HWY	GRANDY	NC	27939
WALNUT ISLAND PROPERTY OWNER'S ASSOCIATI		PO BOX 73	GRANDY	NC	27939
WEST NECK LLC		5859 HARBOUR VIEW BLVD, SUITE 300	SUFFOLK	VA	23435
WHITE, RICHARD		PO BOX 1673	ELIZABETH CITY	NC	27906
WILLS, GREGORY E		6541 CARATOKE HWY	GRANDY	NC	27939
Currituck County Planning Dept.	Attn: Cheri Elliot	153 Courthouse Rd.	Currituck	NC	27929

Community Meeting

Grandy, NC

Attendees

Name	Address	Phone	Email
TERISA MATTHEWSON			
TIM BRANTHUSK			
STEVE LANNING			
Nancy M Walker			
Brendyn Walker			
Robert S. Seider			
JASON LITTERAL			

Community Meeting

Grandy, NC

Attendees

Name	Address	Phone	Email
Jim Hordbrook			
Mike Payment			
Nichelle Thomas			
Curtis Inge			
Matthew Smay			

Community Meeting

Grandy, NC

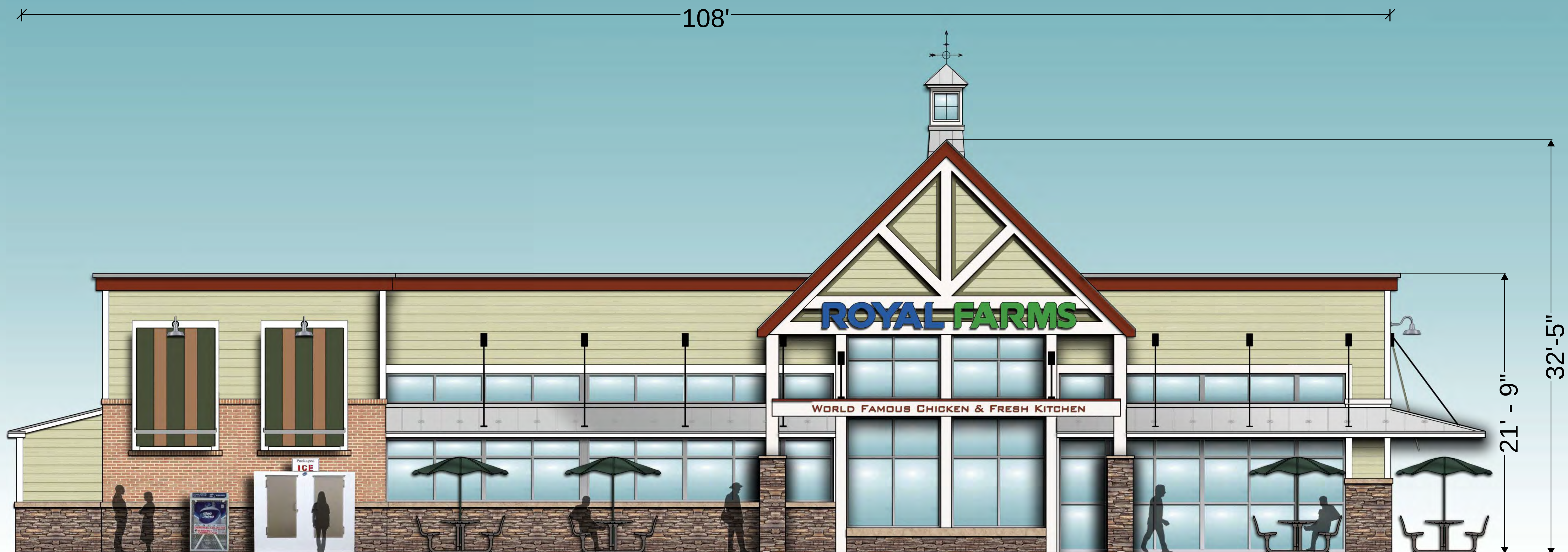
Attendees

[illegible]

EXHIBIT C

CONDITIONS

1. All permitted uses in the General Business (GB) zoning district shall be allowed, except for the following:
 - a. Equestrian Facility
 - b. Farmers Market
 - c. Nursery, Production
 - d. Agricultural Research Facility
 - e. Distribution Hub for Agricultural and Agronomic Products
 - f. Farm Machinery Sale, Rental, and Service
 - g. Agricultural Retail Facility
 - h. Silviculture
 - i. Dormitory
 - j. Family Care Home
 - k. Rooming or Boarding House
 - l. Adult Day Care Center
 - m. Child Care Center
 - n. All Educational Facilities
 - o. All Government Facilities
 - p. All Health Care Facilities
 - q. All Institutions
 - r. All Public Safety
 - s. All Transportation
 - t. Animal Shelter
 - u. Kennel
 - v. All Parking, Commercial
 - w. All Recreation/Entertainment, Indoor
 - x. All Recreation/Entertainment, Outdoor
 - y. Bar, Nightclub, or Cocktail Lounge
 - z. Entertainment Establishment
 - aa. Funeral Home
 - bb. Pawn Shop
 - cc. Shopping Center
 - dd. Winery
 - ee. All Vehicle Sales and Services, Heavy
 - ff. Automotive Parts and Installation
 - gg. Automobile Repair and Servicing (Including Painting/Bodywork)
 - hh. Automobile Sales or Rentals
 - ii. Taxicab Service
 - jj. All Visitor
 - kk. All Accommodations
 - ll. All Industrial Uses



Front Elevation
1/4" = 1'-0"

ROYAL FARMS

ROYAL FARMS #443
6511 CARATOKE HIGHWAY
GRANDY, CURRITUCK COUNTY, NC
SEPTEMBER 1ST, 2021

RA | RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com



Right Side Elevation
1/4" = 1'-0"

Left Side Elevation
1/4" = 1'-0"

ROYAL FARMS

ROYAL FARMS #443
6511 CARATOKE HIGHWAY
GRANDY, CURRITUCK COUNTY, NC
SEPTEMBER 1ST, 2021

RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com



Rear Elevation
1/4" = 1'-0"

ROYAL FARMS

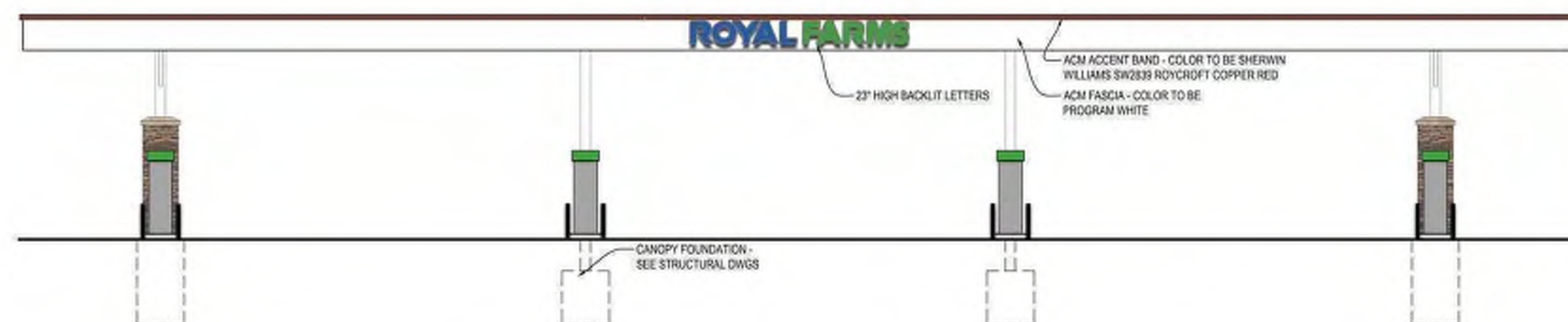
ROYAL FARMS #443
6511 CARATOKE HIGHWAY
GRANDY, CURRITUCK COUNTY, NC
SEPTEMBER 1ST, 2021

RA | RATCLIFFE
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Fuel Canopy - Side Elevation
1/8" = 1'-0"



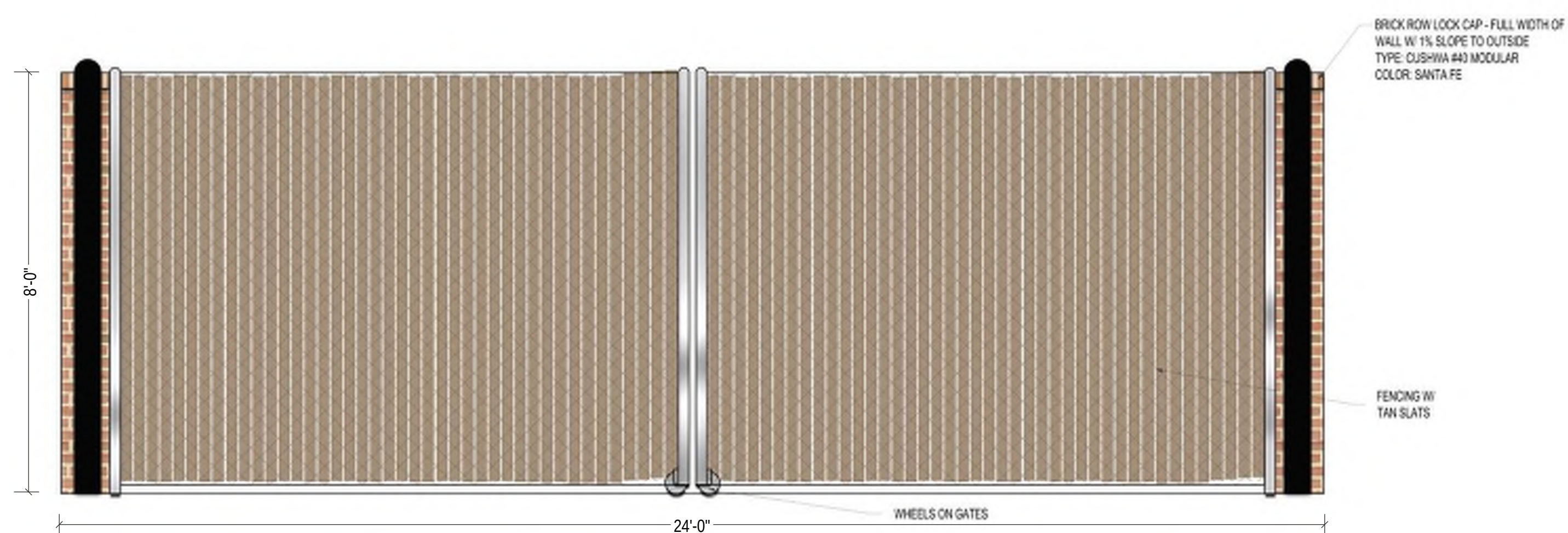
Fuel Canopy - Front Elevation
1/8" = 1'-0"

ROYAL FARMS

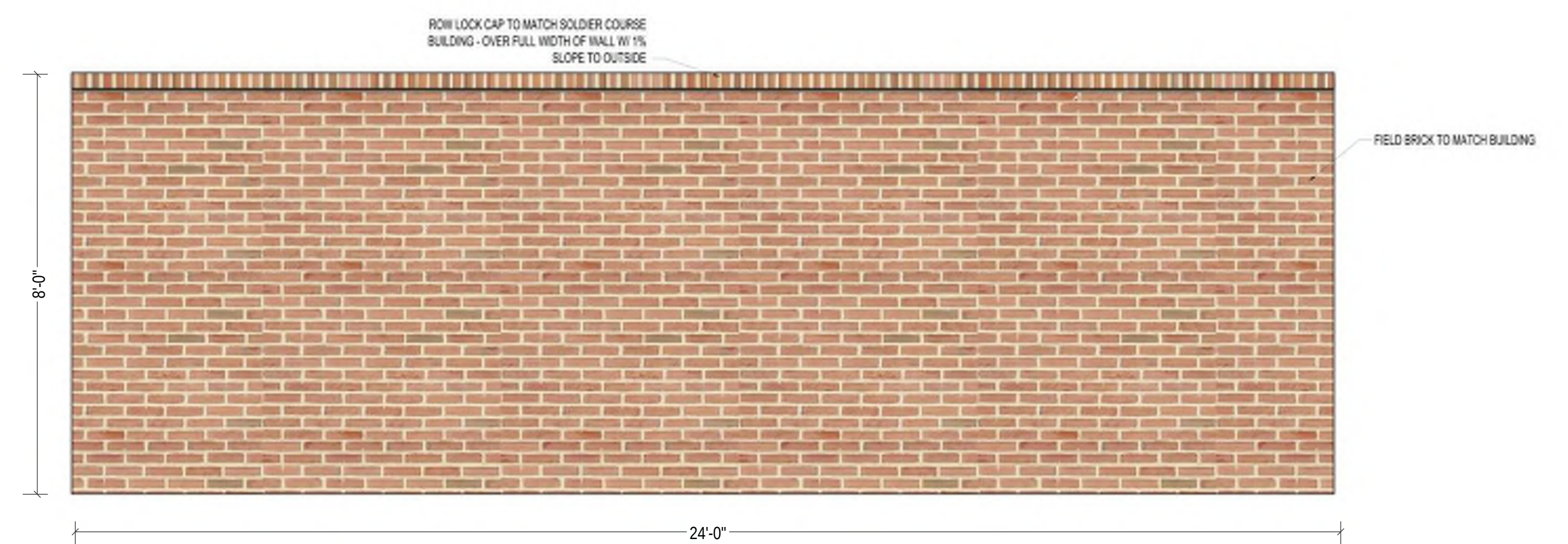
ROYAL FARMS #443
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SEPTEMBER 1ST, 2021

RATCLIFFE
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Dumpster Enclosure - Front Elevation
 $1/2" = 1'-0"$



Dumpster Enclosure - Rear Elevation
 $1/2" = 1'-0"$

ROYAL FARMS

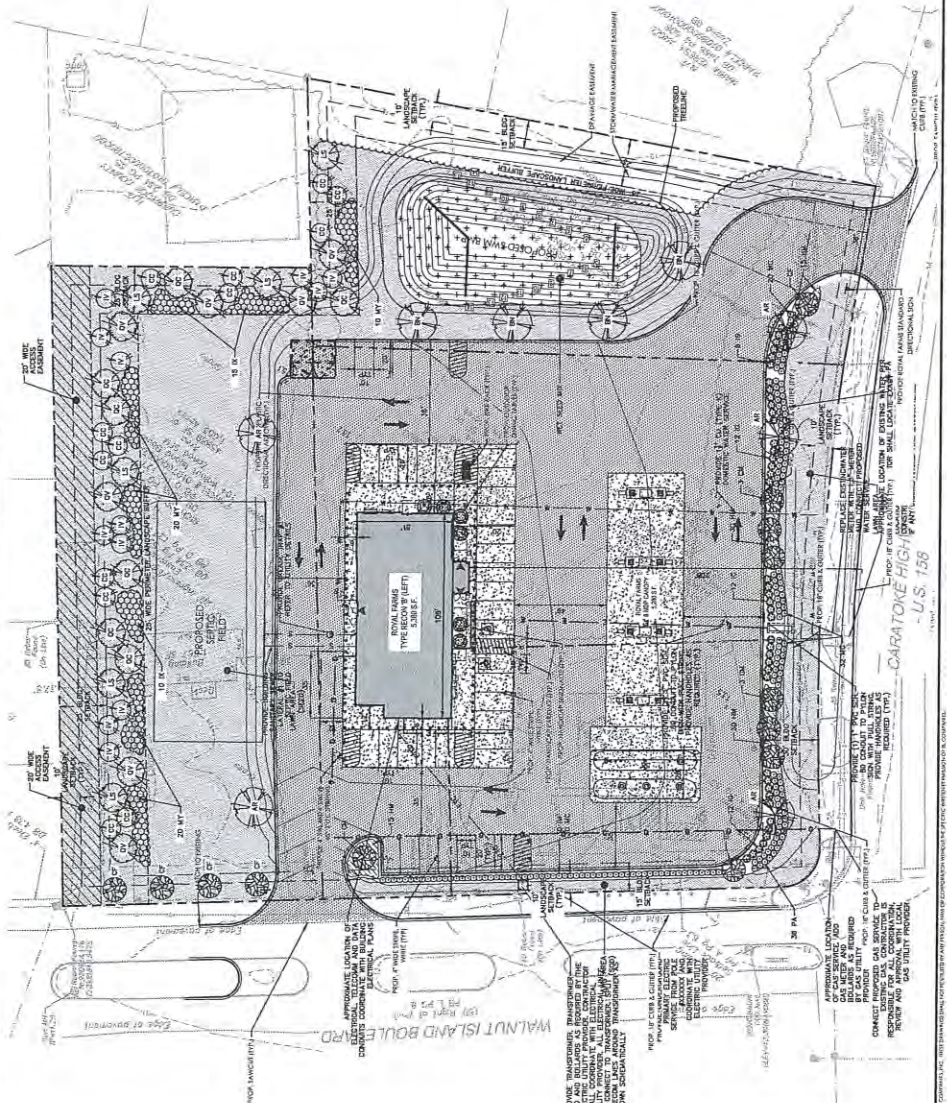
ROYAL FARMS #443
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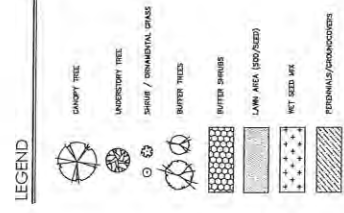
ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE	CODE REFERENCE
1	SITE LANDSCAPING	MIN. 1 STREET LIGHT 2 CANOPY TREES PER SIDE OF DRIVEWAY 1 STREET LIGHT (HALF OF SIGNS TO BE ENGLISH)	RETAINED - 11 CANOPY TREES 29 10'-12" CAL. CANOPY TREES 29 10'-12" CAL. CANOPY TREES 17 10' BULBING FACADES PROPOSED: 32 TREES (LOCATED ALONG STREET FRONTS) PROPOSED WITH FRONTS LANDSCAPE STRIP MIN. 5' WIDTH	NO	5.2.1 UDD
2	VEGETATION AREA PROTECTION LANDSCAPE STRIP	VEGET. STRIP WITH A MIN. 11' OF 25' WIDE GRAVE (WITHIN 5 YEARS OF PLANTING)	25' WIDE 500 LF PERMETER / 10' - 4.5' MIN. 10' OF 25' WIDE CANOPY TREES 25' UNDERSTORY TREES 12" CAL.	NO	5.2.1 UDD
3	FOOTCUTTER BUFFER LANDSCAPE STRIP	FOOTCUTTER BUFFER WITH A MIN. 5' WIDTH	25' WIDE 500 LF PERMETER / 10' - 4.5' MIN. 10' OF 25' WIDE CANOPY TREES 25' UNDERSTORY TREES 12" CAL.	NO	5.2.1 UDD
4	STRUCTURE	10' TO 15' 6" MIN. CANOPY TREES TO SHROUD	CANOPY TREES = 280 LF 6 CANOPY TREES (12" CAL.) 6 UNDERSTORY TREES (12" CAL.)	NO	5.2.1 UDD



LANDSCAPE PLANT SCHEDULE						
LANDSCAPE TREES						
KEY	SYT	BOTANICAL NAME	COMMON NAME	ROOT	SIZE	COMMENTS
AS	5	Araucaria 'Prostrata'	RED SANDY PINE APPLE	NAN	2" DIAL MIN	8" BRANCH HT. MIN.
BH	4	Banksia 'Nana'	HERITAGE PINE BUSH	NAN	2" DIAL / 12" HT. MIN.	MULD-STEM
LS	6	Liquidambar styraciflua	AMERICAN SWEETGUM	SNAP	2" DIAL MIN	8" BRANCH HT. MIN.
OC	7	Quercus coccinea	SCARLETT OAK	SNAP	2" DIAL MIN	8" BRANCH HT. MIN.
OV	7	Quercus nigra	LIVE OAK	NAN	2" DIAL MIN	8" BRANCH HT. MIN.
UNDERSTORY TREES						
CC	13	Cornus canadensis	DOGWOOD	SNAP	1.5" DIAL / 8" HT. MIN	2" BRANCH HT. MIN.
CM	7	Crataegus 'Nana'	APPLE TREE	SNAP	1.5" DIAL / 8" HT. MIN	MULD-STEM
W	12	W. virginiana	WAXY	CONC.	1.5" DIAL / 8" HT. MIN	MULD-STEM
W	8	W. americana	DOGWOOD	CONC.	1.5" DIAL / 8" HT. MIN	
SHRUBS / ORNAMENTAL SHRUBS						
JM	10	Juniperus 'Horizontalis'	SPREADER	CONC.	1.5" HT.	PLANT 2' D.C.
LC	12	Lonicera 'Nana'	CLIMBER	CONC.	5 DIAL MIN.	PLANT 4' D.C.
M	20	Malus 'Nana'	ORNAMENTAL APPLE	CONC.	5 DIAL MIN.	PLANT 3' D.C.
MC	12	Myrica verticillata	SWAMP MYRTLE	CONC.	24" HT.	PLANT 3' D.C.
PA	72	Parthenocissus vitacea	WINE FRUIT	CONC.	24" HT.	PLANT 3' D.C.
CLIMBERS / VINES						
CC	25	Clematis	CLIMBER	CONC.	5 DIAL MIN.	PLANT 4' D.C.
BY	30	Bignonia venusta	CLIMBER	CONC.	5 DIAL MIN.	PLANT 4' D.C.

NOTES:

- 1) ALL SUBSTITUTIONS MUST RECEIVE APPROVAL FROM THE LANDSCAPE ARCHITECT PRIOR TO DELIVERY TO SITE.
- 2) PROVIDE AND RETAIN ALL PLANT SPECIES ON THE PLANTING PLAN DRAWINGS. THE QUANTITIES IN THE PLANT LIST ARE PROVIDED FOR THE CONTRACTOR'S CONVENIENCE ONLY. IF PURCHASER/OWNER OBTAIN THE LARGEST QUANTITY SHALL APPLY.
- 3) IF "NONE" IS A DISCREPANCY BETWEEN BOTANICAL AND COMMON NAME, BOTANICAL NAME PREVAILS.



A graphic scale bar is shown with markings for 30, 15, 0, 15, and 30 feet. To the left of the scale is a north arrow pointing towards the top-left corner of the page.



Currituck County

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

MEMORANDUM

To: Two Farms, Inc.
 Ward and Smith, P.A.

From: Planning Staff

Date: 10/14/2021

Re: Royal Farms (Technical Review Committee Comments)

The following comments have been received for the 10/13/2021 TRC meeting. Please address all comments and resubmit a corrected plan as necessary. **Resubmittals are due by 3:00pm on 10/28/2021 in order to be reviewed at the next TRC meeting held on 11/10/2021.** TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jason Litteral

Reviewed with comments

1. Provide site landscaping shrubs along building facades facing streets.
2. Provide vehicular use landscaping shrubs at SE corner of parking lot.
3. Canopy (Shade) trees are required within 60 feet of all parking spaces.
4. Please show freestanding sign landscaping on the site plan. 2 square feet of landscaping are required for every 1 square foot of sign area. This is calculated using the square footage of one side of the sign. The landscaping shall include an appropriate mix of shrubs and ground cover.
5. There are still more parking spaces forward of the front building façade than there are on the sides and rear. No more than 50% of parking can be located forward of the front building façade.
6. Please provide a heritage tree survey and update the plans for tree protection as required by section 7.2 (Tree Protection).
7. Provide confirmation that all light fixtures are full cut-off.
8. Wall pack lights are limited to 1600 lumens.
9. The lighting plan shows areas that exceed the maximum of 30 foot-candles on site. Please address this issue.
10. The max foot candles at a property line abutting residential use is 0.5. The plans shows some spots that are 0.6 foot candles. Please address this issue.
11. An eight foot wide concrete sidewalk is required along Caratoke Highway. This can be located on the site, in the right-of-way, or both. Please coordinate with NCDOT if necessary.
12. Show crosswalks as necessary for any sidewalks that cross an entrance.

Attachment: trc comments (PB 21-26 Royal Farms Conditional Rezoning)

13. We need to discuss the building design requirements for the front and two side elevations. Please contact me at your convenience to discuss.
14. The driveway spacing between the Caratoke Hwy. entrance and the driveway on the lot to the south is inadequate. The required spacing is 200 feet from centerline to centerline. Please provide a letter from NCDOT stating they approve the driveway location in relation to the driveway to the south.
15. There is a chain link fence detail on the plans, but I could not find a fence on any of the site plans. Please either indicate the location of the chain link fence, or if a fence is not proposed, please remove the detail from the plan set.

Currituck Soil and Stormwater, Dylan Lloyd

- 1) Parcel at 6523 Caratoke Hwy - pending conditional rezoning - appears to have fill within the setback area on the southern portion of the lot line. Fill setback is 10' from lot line.
- 2) Do the storm line pipes running adjacent to the gas pump area have inlet drains?
- 3) Topo lines indicate 4 feet of fill above existing grade in some locations. The maximum allowed is 3. This may require special approval from the County Engineer

Currituck County Public Utilities, Will Rumsey/Dave Spence

8" tower feed waterline runs behind the property. Make sure septic field meets the minimum requirement for separation.

Water meter that feeds the lot is a 3/4" service line. To upgrade to a 1.5 inch, the old service line will need to be disconnected and a new 1.5" line will need to be installed. the difference in the developmental fee will be due at building permit.

Currituck County GIS, Harry Lee

Prior to development, please require the four parcels to be recombined into one parcel.

Currituck County Building Inspections, Bill Newns

The only comments I have for this site plan so far would be even though there is a new hydrant at the Hardee's and it may fall within 400' of proposed building I have concerns about the median that separates Walnut Island Blvd. I would ask that they add a hydrant to their property as there appears to be a 10" water main that runs down center of median according to GIS they can tap into but we can confirm this with Water Dept. The underground gas tanks removed in 2019 so site should be ok with DEQ they never called for a final so we will look at it.

Provide Appendix B with Building Plans at permit application.
Provide fire flow calculations for structure(s) based on the ISO standard.

Currituck County Water Department (Backflow) Chas Sawyer

I would like to see on the utilities sheet where an RP backflow device is going to be added. I would also like to see a detail on how it is to be installed.

Albemarle Regional Health Services, Joe Hobbs

*NOTE; OWNER/DEVELOPER NEEDS TO CONSULT WITH KEVIN CARVER RS(252-232-6603) CONCERNING SEPTIC SYSTEM APPROVAL FOR PROPOSED BUSINESS

ALSO OWNER/DEVELOPER NEEDS TO CONSULT WITH DAVID SWINNEY RS (252-232-6603)CONCERNING PROPOSED FOOD STORE APPROVAL.

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

Attachment: trc comments (PB 21-26 Royal Farms Conditional Rezoning)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3292

Agenda Item Title: PB 21-24 W & J Development, LLC:

Submitted By: Donna Voliva – Planning & Community Development

Item Type: Legislative

Presenter of Item: Donna Voliva

Board Action: Action

Brief Description of Agenda Item:

Requests a text amendment to the Unified Development Ordinance to modify the allowable uses and maximum building size in the MXR (Mixed Residential) zoning district.

Planning Board Recommendation:

Staff Recommendation: Denial

TRC Recommendation:



Currituck County

Development Services Department
 Planning and Zoning Division
 153 Courthouse Road Suite 110
 Currituck NC 27929
 252-232-3055 Fax 252-232-3026

To: Planning Board
 From: Planning Staff
 Date: November 22, 2021
 Subject: PB 21-24 W & J Development LLC Text Amendment

Request

W&J Development, LLC submitted a text amendment to the Unified Development Ordinance (UDO) that would amend Chapter 3 dimensional standards for the Mixed Residential (MXR) zoning district and allow commercial buildings up to 10,000 square feet on lots fronting major arterial streets. In addition, the request includes language to amend Chapter 4 that would allow restaurants, grocery stores, retail sales establishments, and shopping centers in the MXR district with a zoning compliance permit.

Background

The MXR zoning district was established with the adoption of the 2013 UDO by reclassifying the Mixed Residential (RA) zoning district to the MXR district. The UDO identifies the MXR zoning district as a residential zoning district and limits the building area and intensity of neighborhood serving commercial uses due to the residential designation of the district. As provided in Section 3.4.6, District Purpose, the MXR district is established to accommodate a variety of residential use types at moderate densities with very low intensity neighboring serving commercial, personal service and institutional uses outside of a community and village center. The UDO limits commercial and personal uses in the MXR district to a maximum of 2,500 square feet per building. Larger size buildings are permitted in business districts such as General Business (GB) or Limited Business (LB), and if the building is more than 5,000 square feet a special use permit is required when located outside of full-service designation. In the MXR district, lands designated with non-residential uses can be used to calculate overall residential density.

2006 Land Use Plan

The Land Use Plan (LUP) does not provide detailed policies related to a particular size or type of uses for neighborhood serving commercial. However, the following policies are relevant to general neighborhood serving commercial development, but do not necessarily support the amendment:

COMMERCIAL DEVELOPMENT POLICIES

POLICY CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

POLICY CD5: Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often exclude, but are not limited to, large scale commercial uses or automobile oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like.

POLICY CD8: MIXED-USE DEVELOPMENT, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scale, mixed use development.

Staff commentary: The MXR district is a transitional residential district that typically would be located between residential zoning (single family) and more intense commercial zoning (GB). Commercial uses greater than a neighborhood scale should be located in commercial or mixed-use districts and not the residential district.

Staff Comments Regarding the Proposed Request

Planning staff identified concerns with the proposed text amendment at the pre-application meeting and after the application was submitted. The applicant is considering a development plan for a particular site and staff suggested options at that time to facilitate the proposed development. The properties being considered include GB zoned lands adjacent to the major arterial street that will accommodate the commercial development at the proposed size and intensity.

Since the MXR district is a residential zoning district with very low-density neighboring serving commercial, uses such as shopping centers, grocery stores, and larger scale retail establishments are not permitted in the district. The current ordinance allows:

1. More intense larger scale commercial uses in the General Business (GB) zoning district in areas typically located on major arterials and in full-service areas; and,
2. A mixture of housing types in the MXR district.

The proposed language attempts to combine uses and intensity of uses found in the GB district and in some instances less restrictive than the GB district. This type of amendment could create an imbalance in the zoning district standards and Summary Use Table. Staff suggested the applicant consider other options to address the concerns and comments including:

1. Exclude GB lands from the request to reduce the limitations on current GB zoned property. Only include the areas intended for multi-family, open space, and smaller less intense commercial land uses in the MXR zoning district.
2. A maximum 5,000 square foot building single tenant for properties in the MXR with a full-service land use designation located on a major thoroughfare and maintain 2,500 square foot building maximum within the limited-service land use designation. Although this is an option, it is not the more preferred option.
3. Establish a mixed-use zoning district.
4. Evaluate the Commercial Center (CC) zoning district standards. This district requires a small area plan or civic master plan that includes the development area.

Text Amendment Review Standards

The advisability of amending the text of the UDO 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 the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly 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 Recommendation

The staff recommendation on the proposed text amendment involves concluding whether the application complies with all applicable review standards (Text Amendment Review Standards). As presented, staff recommends denial of the proposed text amendment because the proposed amendment:

1. Is in conflict with the UDO by creating intensity discrepancies between the MXR zoning district and the business districts; and,
2. Is not consistent with the purpose and intent of the MXR zoning district.

And, the request will not result in a logical and orderly development pattern since the proposed language increased the intensity of business use types in a residential district and creates inconsistencies between the MXR, a residential zoning district, and business districts.



PB 21-24 W & J DEVELOPMENT, LLC
TEXT AMENDMENT
PLANNING BOARD
DECEMBER 14, 2021

Amendment to the Unified Development Ordinance, Chapter 3. Zoning Districts and Chapter 4. Use Standards to modify the allowable uses and building size in the MXR (Mixed Residential) zoning district.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 3, Section 3.4.6., Mixed Residential (MXR) District is amended by adding the underlined language:

D. DIMENSIONAL STANDARDS					
CD=COTTAGE DEVELOPMENT					
	Residential Single-Family Detached	Multi-Family CD Other		Nonresidential	
Max. Gross Density, Full-Service Area (du/ac)	2.0	3.0	3.0	2.0	
Max. Gross Density, Limited-Service Area (du/ac)	1.0	1.5	1.5	1.0	
Max. FAR (%)	N/A	N/A	N/A	0.40	
Min. Lot Area/Dwelling Unit (sq ft) [1]	15,000	N/A	N/A	20,000	1
Min. Open Space Set-Aside (% of development size) [2]	30	40	30	10	2
Min. Lot Width (corner or interior lots) (ft)	100	100 [3]	100[3]	200 [3]	3
Max. Lot Coverage (%)	30	40 [3]	40 [3]	65 [3]	
Perimeter Building Wall Setbacks (from development boundaries)					
Front and Corner Side Setback (ft)	20	20	50	20	4
Major Arterial Street Setback (ft)	50	50	50	50	
Side Setback (ft) [5]	10	10 [3]	15	15	5
Rear Setback (ft)	25	30[3]	30[3]	30	6
Min. Agricultural Setback (ft) [4]	50	50	50	50	
Min. Accessory Use Setback (ft)	10	10[3]	10	10	7
Min. Driveway/Parking Setback (ft)	10	10 [3]	10 [3]	10 [3]	8
Min. Fill Setback from Perimeter Lot Line	10	10	10	10	
Min. Wetland/Riparian Buffer (ft) [4]	30	30	30	30	
Max. Building Height (ft)	35	35	35	35	
Min. Spacing Between Buildings (ft)[5] [6]	20	20	20	20	9
Max. Building Length (ft)	N/A	N/A	250	[7]	0

Attachment: PB 21-24 W&J Development LLC TA Staff Report (PB 21-24 W & J Development, LLC)

- [1] Maximum lot depth shall not exceed four times the lot width
 [2] Applied to subdivisions platted after UDO effective date
 [3] Applied to entire development, not individual building lots
 [4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

- [5] Setbacks are subject to needed fire flow based on the ISO method
 [6] Not applied to individual units in a zero lot line development
 [7] Commercial and personal service uses are limited to a maximum size of 2,500 square feet per building, unless the site fronts on a major arterial, in which case the maximum building size will be 10,000 square feet.

Item 2: That Chapter 4, Table 4.1.1.A., Summary Use Table is amended by adding the underlined language and removing the strikethrough language:

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
 CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]													ADDITIONAL REQ. (4.2. ____)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
COMMERCIAL USE CLASSIFICATION															
Eating Establishments	Dinner theater								Z	Z	Z	Z			
	Restaurant, with indoor or outdoor seating							<u>Z*</u>	Z	Z	Z	Z	Z		4.C
	Specialty eating establishment							Z	Z	Z	Z	Z	Z		
Retail Sales & Services	Grocery store							<u>Z*</u>	Z		Z				
	Retail sales establishments							<u>Z*</u>	Z	Z	Z	Z			
	Shopping center							<u>Z*</u>	U		Z	Z			4.G4

*Uses shown with an asterisk apply to sites that front on a major arterial

Item 3: Staff suggested Statement of Consistency

The proposed text amendment is not consistent with the Unified Development Ordinance and will not result in a logical and orderly development pattern because:

1. The amendment establishes intensity and use discrepancies between the MXR zoning district and the business districts; and,
3. Is not consistent with the purpose and intent of the MXR zoning district.

Item 4: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 5: This ordinance amendment shall be in effect from and after the _____ day of _____, 2021.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS
.....

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS

ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____

BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Attachment: PB 21-24 W&J Development LLC TA Staff Report (PB 21-24 W & J Development, LLC)

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

Packet Pg. 54

Chapter 3: Zoning Districts

SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS

Subsection 3.4.6: Mixed Residential (MXR) District

D. DIMENSIONAL STANDARDS

CD=COTTAGE DEVELOPMENT

	Residential	Multi-Family		Nonresidential	
	Single-Family Detached	CD	Other		
Max. Gross Density, Full Service Area (du/ac)	2.0	3.0	3.0	2.0	
Max. Gross Density, Limited Service Area (du/ac)	1.0	1.5	1.5	1.0	
Max. FAR (%)	N/A	N/A	N/A	0.40	
Min. Lot Area/Dwelling Unit (sq ft) [1]	15,000	N/A	N/A	20,000	1
Min. Open Space Set-Aside (% of development size) [2]	30	40	30	10	2
Min. Lot Width (corner or interior lots) (ft)	100	100 [3]	100[3]	200 [3]	3
Max. Lot Coverage (%)	30	40 [3]	40 [3]	65 [3]	
Perimeter Building Wall Setbacks (from development boundaries)					
Front and Corner Side Setback (ft)	20	20	50	20	4
Major Arterial Street Setback (ft)	50	50	50	50	
Side Setback (ft) [5]	10	10 [3]	15	15	5
Rear Setback (ft)	25	30[3]	30[3]	30	6
Min. Agricultural Setback (ft) [4]	50	50	50	50	
Min. Accessory Use Setback (ft)	10	10[3]	10	10	7
Min. Driveway/Parking Setback (ft)	10	10 [3]	10 [3]	10 [3]	8
Min. Fill Setback from Perimeter Lot Line	10	10	10	10	
Min. Wetland/Riparian Buffer (ft) [4]	30	30	30	30	
Max. Building Height (ft)	35	35	35	35	
Min. Spacing Between Buildings (ft)[5] [6]	20	20	20	20	9
Max. Building Length (ft)	N/A	N/A	250	[7]	10

- [1] Maximum lot depth shall not exceed four times the lot width
 [2] Applied to subdivisions platted after UDO effective date
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 [4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

- [5] Setbacks are subject to needed fire flow based on the ISO method
 [6] Not applied to individual units in a zero lot line development
 [7] Commercial and personal service uses are limited to a maximum size of 2,500 square feet per building, unless the site fronts on a major arterial, in which case the maximum building size will be 10,000 square feet.

Chapter 4: Use Standards

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
 CZ = Allowed in a Conditional Zoning District; blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												ADDITIONAL REQ. (4.2.____)		
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI		HI	
Trans- portation	Airport		U						U		U		U	U		
	Helicopter landing facility								U		U		U	U	3.G	
	Passenger terminal, surface transportation			U	U				Z		Z	Z				
Utilities	Solar array															
	Solar Energy Facility		U												3.K	
	Telecommunications antenna collocation on tower or building		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.H	
	Telecommunications tower, freestanding		U			U			U	U			U	U	3.H	
	Utility, major	U	U	U	U	U	U	U	U	U	U	U	U	U	3.I	
	Utility, minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.J	
	Wind energy facility, large															
COMMERCIAL USE CLASSIFICATION																
Adult Entertain- ment	All													U	4.A	
Animal Care	Animal grooming									Z	Z	Z	Z	Z		4.B
	Animal shelter									Z					Z	4.B
	Kennel		U							Z	Z		Z	Z	Z	4.B
	Veterinary clinic		U							Z	Z	Z	Z	Z		4.B
Eating Establish- ments	Dinner theater									Z	Z	Z	Z			
	Restaurant, with indoor or outdoor seating							U Z*	Z	Z	Z	Z	Z			4.C
	Specialty eating establishment								Z	Z	Z	Z	Z	Z		
Offices	Business and sales								Z	Z	Z	Z	Z	Z		4.D
	Professional services								Z	Z	Z	Z	Z			4.D
Parking, Commercial	Parking lot									Z	Z	Z	Z	Z	Z	4.E.1
	Parking structure											Z	Z			4.E.2
Recreation/ Entertain- ment, Indoor	Fitness center								Z	Z	Z	Z	Z	Z		
	Recreation, indoor								Z	Z	Z	Z	Z	Z		
	Theater								Z	Z	Z	Z	Z			
Recreation / Entertainment, Outdoor	Automotive Racing														U	
	Arena, amphitheater, or stadium									U		U	U			4.F.1
	Athletic facility			Z	Z			Z	Z	Z	Z	Z	Z			4.F.2
	Golf course			U	U				U							
	Golf driving range								Z	Z	Z					
	Marinas								U	Z		Z	Z	Z		4.F.3

Attachment: W & J Application (PB 21-24 W & J Development, LLC)

Chapter 4: Use Standards

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
CZ = Allowed in a Conditional Zoning District; blank cell = Prohibited

Use Category	Use Type	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												Additional Req. (4.2.____)		
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI		HI	
	Outdoor shooting range		U											U	4.F.5	
	Outdoor tour operator								U	U	Z	Z			4.F.6	
	Outdoor tour operator, Aviation		U						U	U	Z	Z			4.F.7	
	Recreation, outdoor							U	Z	Z	Z	Z			4.F.4	
Retail Sales & Services	Artisan Food and Beverage Producer								Z				Z			
	Auction House												Z			
	Bar, nightclub, or cocktail lounge								Z		Z	Z			4.G.1	
	Brewery, Large												Z			
	Convenience store							Z	Z	Z	Z	Z	Z			
	Crematory													U		
	Distillery												Z			
	Drug store or pharmacy							Z	Z	Z	Z	Z				
	Entertainment establishment							Z	Z	Z	Z	Z				
	Financial institution							Z	Z	Z	Z	Z				
	Flea market												Z	Z	4.G.2	
	Funeral home								Z	Z	Z	Z				
	Grocery store							Z*	Z		Z	Z				
	Laundromat							Z	Z	Z	Z	Z	Z			
	Pawn shop								U				U			
	Personal services establishment							Z	Z	Z	Z	Z	Z			
	Repair establishment								Z	Z	Z	Z	Z	Z	4.G.3	
	Retail sales establishments							Z*	Z	Z	Z	Z				
	Shopping center							Z*	U		Z	Z			4.G.4	
	Tattoo parlor/body piercing establishment												Z	Z	4.G.5	
	Winery								Z				Z			
	Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance												Z	Z	
		Automotive wrecker service												Z	Z	4.H.1
		Boat and marine rental, sales, and service								Z				Z	Z	4.H.2
	Vehicle Sales and Services, Light	Automotive parts and installation								Z		Z	Z	Z		4.I.1
Automobile repair and servicing (including painting/bodywork)									Z		Z	Z	Z		4.I.2	
Automobile sales or rentals									U		Z	Z	Z		4.I.3	
Car wash or auto detailing									Z		Z	Z	Z		4.I.4	
Taxicab service									Z	Z	Z	Z			4.I.5	
Visitor	Bed and breakfast inn			Z	Z		Z	Z	Z	Z	Z	Z			4.J.1	

*Uses shown with an asterisk apply to sites that front on a major arterial

Attachment: W & J Application (PB 21-24 W & J Development, LLC)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3291

Agenda Item Title: PB 21-28 Currituck County Text Amendment:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Kevin Kemp

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Currituck County Unified Development Ordinance, Chapter 4. Use Standards, to allow Elementary and Middle Schools in the AG and SFI zoning district subject to a zoning compliance permit.

Planning Board Recommendation:

Staff Recommendation: Approval

TRC Recommendation: Application Reviewed


Currituck County

Development Services Department
 Planning and Zoning Division
 153 Courthouse Road Suite 110
 Currituck NC 27929
 252-232-3055 Fax 252-232302

To: Planning Board

From: Planning Staff

Date: December 2, 2021

Subject: PB 21-28 Currituck County Text Amendment
 Elementary and Middle Schools in AG and SFI

Background

The enclosed text amendment submitted by the Currituck County Development Services Department is intended to revise Section 4.1.1.A, "Summary Use Table," of the Unified Development Ordinance (UDO) as it relates to:

- Allowing Elementary and Middle Schools in the AG (Agriculture) and SFI (Single-family Residential Isolated) zoning districts subject to a zoning compliance permit instead of a special use permit.

The need for this text amendment became evident when reviewing the submittal criteria for the Moyock Middle School expansion and the new elementary school proposed in Moyock. During this process, it was found that Elementary and Middle Schools were a permitted use requiring only a zoning compliance permit in the SFM, SFO, MXR residential districts and the GB, LB, CC and VC commercial districts. The only two districts where a special use permit is required are the AG and the SFI districts.

Text Amendment Review Standards

The advisability of amending the text of the UDO 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 the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and

7. Would not result in significantly 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 Recommendation

Staff recommends approval of this request subject to the suggested Consistency Statement. It is staff's belief that Elementary and Middle Schools are compatible with the uses permitted in agriculture and residential zoning districts. This amendment will make the approval process for elementary and middle schools more efficient by alleviating the extra time and expense of approval from the Board of Commissioners. It will also provide consistency with the approval process required for Elementary and Middle Schools for all other residential and commercial districts (except for the SFR district, the residential district encompassing the off-road area).

POLICY SF1: Currituck County shall support and actively engage in ADVANCED PLANNING FOR THE LOCATION OF NEW SCHOOLS. Such locations shall serve to reinforce contiguous growth patterns near existing developments rather than promoting sprawl in more rural locations. New schools shall be viewed as a cornerstone of the communities in which they are located and shall serve to proactively influence growth.

This amendment is consistent with this policy in that it expands the number of speculative sites for elementary and middle schools by making the development approval process less laborious in the AG and SFI districts. Elementary and Middle School uses are consistent and compatible with typical uses within the AG and SFI districts, which include single-family sites and cultivated fields, many with adjacent commercial uses along major thoroughfares. Consistent with these uses not requiring a special use permit in the other residential zoning districts (not including the off-road area), schools act as cornerstones in residential districts.

By permitting elementary and middle schools in the AG and SFI zoning districts with a zoning compliance permit, rather than requiring a special use permit, the number of speculative sites for new schools is broadened. Additionally, the process for approval of renovations and expansions to existing schools located within those zoning districts becomes more efficient.

POLICY SF2: Currituck County encourages OFFERS OF LAND FOR THE SITING OF NEW SCHOOLS, particularly in conjunction with related community development. Acceptance of such properties shall be based on approved location and design criteria.

This amendment creates an easier path for the construction of new elementary and middle schools in areas where there is undeveloped land remaining in a community. By expanding the zoning districts in which these schools are permitted without the special use permit process, the number of sites that the School Board may be able to consider will expand.



**PB 21-28 CURRITUCK COUNTY
TEXT AMENDMENT
PLANNING BOARD
DECEMBER 14, 2021**

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 4 Use Standards to allow elementary and middle schools in the AG and SFI zoning districts subject to a zoning compliance permit.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 4 is amended by deleting the following strikethrough language and adding the underlined language:

TABLE 4.1.1.A: SUMMARY USE TABLE

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]												ADDITIONAL REQ. (4.2.____)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI		HI
INSTITUTIONAL USE CLASSIFICATION															
Educational Facilities	College or university								Z	Z	Z	Z			
	School, elementary		<u>Z</u>	Z	Z		U	Z	Z	Z	Z	Z			
	School, middle		<u>Z</u>	Z	Z		U	Z	Z	Z	Z	Z			

Item 2: Staff suggested Consistency Statement:

The requested zoning text amendment is consistent with the 2006 Land Use Plan Policies SF-1 and SF-2:

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2022.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS _____
.....

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Attachment: PB 21-28 Currituck County TA Staff Report (PB 21-28 Currituck County Text Amendment)



Text Amendment Application

OFFICIAL USE ONLY:

Case Number:

Date Filed:

Gate Keeper:

Amount Paid:

PB 21-28

10/14/21

TT

Contact Information

APPLICANT:

Name: Currituck County

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Currituck, NC 27929

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E-Mail Address:

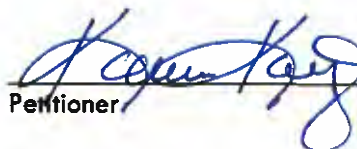
Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 4 Section(s) 4.1.1.A. Summary Use Table as follows:

Amend the Summary Use Table to allow Elementary and Middle Schools in the AG and SFI zoning district with a zoning compliance permit.

*Request may be attached on separate paper if needed.


Petitioner

10/14/2021

Date

Text Amendment Submittal Checklist

Staff will use the following checklist to determine the completeness of your application. Only complete applications will be accepted.

Text Amendment Submittal Checklist

Date Received: 10/14/2021

Project Name: Text Amendment

Applicant/Property Owner: Currituck County, Development Services Director

Text Amendment Submittal Checklist

1	Complete Text Amendment application	✓
2	Application fee (\$300)	N/A
3	2 hard copies of ALL documents	✓
4	1 PDF digital copy of all documents (ex. Compact Disk – e-mail not acceptable)	✓

For Staff Only**Pre-application Conference**

Pre-application Conference was held on October 13, 2021 and the following people were present:
Kevin Kemp, Donna Voliva, and Ike McRee

Comments