



**Planning Board
Agenda Packet**

September 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 August 10, 2021**Old Business****New Business**

- A) **PB 21-17 Hugh S. Miller, IV:** Request for Conventional Rezoning of 162.5 acres from Agriculture (AG) and General Business (GB) to Single-Family Residential-Mainland (SFM), leaving 2.5 acres GB. The property is located in Barco, Tax Map 70, Parcels 37 through 40, Crawford Township.
- B) **PB 21-16 Currituck County Housekeeping Text Amendment:** Request to amend the Currituck County Unified Development Ordinance Chapter 2 to correct a reference related to Minor Subdivisions, Chapter 4 to correct terminology from "use permit" to "special use permit" and Chapter 6 to correct a General Statute reference for consistency with the G.S. 160D update.
- C) **PB 21-19 Outer Banks Ventures, Inc. LUP Amendment:** Request to amend the Future Land Use Classification Map from Conservation to Full Service designation on property located at the southern end of Monteray Shores Planned Unit Development adjacent to Malia Drive in Corolla.

Announcements**Adjournment**



CURRITUCK COUNTY NORTH CAROLINA

August 10, 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 five board members present. Staff members present were Kevin Kemp, Development Services Director; Donna Voliva, Assistant Planning Director; and Jennie Turner, Senior Planner. The board members were briefed concerning the agenda items; the work session concluded 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	Present	
Lynn L. Hicks	Board Member	Absent	
Thomas Hurley	Board Member	Present	
Juanita S. Krause	Board Member	Absent	
Kevin Kemp	Development Services Director	Present	
Donna Voliva	Assistant Planning Director	Present	
Jennie Turner	Senior Planner	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 any item for consideration on the agenda. There were no conflicts noted.

C. Announce Quorum Being Met

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

Communication: Planning Board Minutes - August 10, 2021 (Approval of Minutes for August 10, 2021)

D. Approval of Agenda

Chairman Ballance asked if there were any changes needed to the agenda tonight. Bryan Bass motioned to approve as presented. David Doll seconded the motion and the motion carried unanimously.

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

E. Approval of Minutes for July 13, 2021

Chairman Ballance asked if there were any changes needed for the July 13, 2021 meeting minutes. Vice-Chairman Owens motioned to approve as presented. David Doll seconded the motion and the motion carried unanimously.

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

Planning Board Minutes - July 13, 2021

OLD BUSINESS

A. PB 20-16 Currituck County Text Amendment Utility and Drainage Easements:

Jennie Turner presented the staff report along with a PowerPoint presentation and gave the background of the original text amendment heard by the Planning Board earlier this year. Ms. Turner said following the Planning Board's approval, the Board of Commissioners held a work session with staff to review the proposed language and directed staff to remove the proposed ordinance language prohibiting placement of septic systems in utility and maintenance access drainage easements. With input from the County Engineer, the Board of Commissioners requested to change the required easement from 50' to 25' along major drainage features. Ms. Turner gave the review standards for the text amendment and said staff recommends approval of the request as submitted and gave the suggested Consistency Statement.

Chairman Ballance asked if any board members had questions.

The board did not have any questions for staff.

Chairman Ballance closed the public hearing with no one present to speak.

Chairman Ballance asked for a motion.

Mr. Bass moved to approve PB 20-16 because the request is consistent with Land Use Plan policies WQ6 and WQ8 and the request is reasonable and in the public interest because it clarifies that required maintenance access drainage easements shall be dedicated to the county to ensure access to maintain drainage infrastructure.

Vice-Chairman Owens seconded the motion and the motion carried unanimously.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 9/7/2021 6:00 PM
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, David Doll, Board Member, Thomas Hurley, Board Member	
ABSENT:	Lynn L. Hicks, Board Member, Juanita S. Krause, Board Member	

NEW BUSINESS

A. PB 21-15 Windswept Pines, Phase 3:

Donna Voliva presented the staff report along with a PowerPoint presentation, gave the history of Windswept Pines back to the original conditional rezoning of the property in 2015 which was approved for the completion of Phases 1 and 2. In 2018, the Board of Commissions approved a conditional zoning amending the conditions and project area to provide additional stormwater ponds for Phase 2. A second amendment was submitted in 2019 to add Phase 3 and was denied since it was inconsistent with the 2006 Land Use Plan, Policy PP2, for exceeding the County's ability to provide adequate public facilities, specifically school capacity. This application is being submitted following the original denial as allowed by 2.3.16 of Currituck County's Unified Development Ordinance - the same application can be resubmitted after waiting a period of one year from the date of denial. Ms. Voliva said the Technical Review Committee had reviewed the request and gave their comments and concerns. One concern was Moyock Elementary School currently being over capacity, but Ms. Voliva referenced an email from the County Manager saying this school is being expanded with a substantial completion date of August 1, 2023. This expansion should allow for the additional students. The other concern was conditional zoning not being exempt from spot zoning challenges (Ms. Voliva previously handed out some educational material from the NC School of Government concerning spot zoning at the work session). Ms. Voliva said the committee's recommendation of approval is subject to the following conditions which must be agreed upon by the County and the Applicant: The 2006 and Use Plan future land use map must be amended to identify the property as Full Service as part of the motion for approval and "No Parking" signage shall be installed in Phase 3 at locations suggested by the Fire Official. Ms. Voliva said should the board approve this application before them tonight, a statement is needed recognizing and implementing the Full-Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners.

Chairman Ballance asked if any board members had questions.

Chairman Ballance had questions concerning the conditions, spot zoning, and if they

had to be referenced in the motion. Ms. Voliva said the spot zoning would be referenced if the board wanted to, but the spot zoning was referenced at the request of the County Attorney to make sure the board was aware of the potential concern.

Chairman Ballance asked for the representative for the application to make their case. Mark Bissell came before the board and presented the plans. He said they would also be expanding the storm water management system, presented a PowerPoint presentation and showed the elevations for the design of the houses to be constructed, showed a view of the offsite drainage plan, and said the developer had been in contact with some of the residents along the drainage ditch. Mr. Bissell said the County and the developer were actively working on the drainage for Baxter Lane. Although this is not related to this project, he wanted to make the board aware since it was in the general area. Mr. Bissell responded to the spot zoning question.

The board did not have any additional questions for Mr. Bissell.

Chairman Ballance closed the public hearing with no one wishing to speak.

Chairman Ballance asked for a motion.

Mr. Doll moved to **approve PB 21-15** because 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:

- o The amendment recognizes and implements the Full-Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners.
- o The proposed gross density allocation of Phase 3 is 0.90 dwelling units per acre is in keeping with the Full-Services designation of the Moyock Small Area Plan. The designation identifies areas where there will be significant public investment in infrastructure and can support higher density of development.
- o MSAP Policy FLU1 promotes compatibility between new development and existing development to avoid adverse impacts to the existing community.

And the request is reasonable and in keeping with:

- o Changed conditions acknowledged by the Moyock Small Area Plan, and
- o Addresses the demonstrated community need of providing a Full-Service area plan that offers both residential and commercial uses in the development.

Conditions of Approval:

1. Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. The project engineer will model stormwater to 100-year storm event and stormwater will be managed from that 100-year storm.
4. The applicant will work with Soil and Water Conservation Department to explore improving the drainage outlet to the east of the development.
5. All residential development will be single family and will conform to sample building elevations provided.
6. "No Parking" signage shall be installed in Phase 3 at locations suggested by the fire

Office.

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

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 10/4/2021 6:00 PM
MOVER:	David Doll, Board Member	
SECONDER:	K. Bryan Bass, Board Member	
AYES:	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member	
ABSENT:	Lynn L. Hicks, Board Member, Juanita S. Krause, Board Member	

ANNOUNCEMENTS

Kevin Kemp gave an update on two text amendment applications: Family Subdivision Text Amendment will be heard by the Board of Commissioners on August 16, 2021 and the Campground Text Amendment will be discussed at the Board of Commissioners work shop on September 7, 2021.

ADJOURNMENT

Vice-Chairman Owens motioned to adjourn the meeting. Mr. Doll seconded the motion and the meeting adjourned at 6:44 PM.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3231

Agenda Item Title: PB 21-17 Hugh S. Miller, IV:

Submitted By: Tammy Glave – Planning & Community Development

Item Type: Legislative

Presenter of Item: Tammy Glave

Board Action: Action

Brief Description of Agenda Item:

Request for Conventional Rezoning of 162.5 acres from Agriculture (AG) and General Business (GB) to Single-Family Residential-Mainland (SFM), leaving 2.5 acres GB. The property is located in Barco, Tax Map 70, Parcels 37 through 40, Crawford Township.

Planning Board Recommendation:

Staff Recommendation: Denial

TRC Recommendation:



STAFF REPORT
PB 21-17 HUGH S. MILLER, IV- REZONING
(BARCO)
PLANNING BOARD
SEPTEMBER 14, 2021

Attachment: 1 PB 21-17 Hugh S. Miller, IV (Barco Rezoning) Staff Report (PB 21-17 Hugh S. Miller)

APPLICATION SUMMARY

Property Owner: Hugh S. Miller, IV 111 Currituck Commercial Drive, Suite B Moyock, NC 27958	Applicant: Hugh S. Miller, IV 111 Currituck Commercial Drive, Suite B Moyock, NC 27958
Case Number: PB 21-17	Application Type: Zoning Map Amendment
Parcel Identification Number: 0070-000-0037-0000 0070-000-0038-0000 0070-000-0039-0000 0070-000-0040-0000	Existing Use: Cultivated farmland
Land Use Plan Classification: Full Service and Conservation Land Use Plan Subarea: Barco-Coinjock-Airport	Parcel Size (Acres): 164.85 +/- (Application)
Current Zoning: Agricultural (AG) and General Business (GB)	
Request: Request for a conventional (not conditional) rezoning	Zoning History: A-40 (1974); A and GB (1989); AG and GB (2013) Proposed Zoning: SFM (162.5 acres with 2.5 acres remaining GB)

REQUEST

Narrative

The applicant is requesting a conventional rezoning of approximately 165 acres from Agricultural (AG) and General Business (GB) to Single-Family Residential-Mainland with approximately 2.5 acres remaining GB. The applicant is submitting the application to be allowed to develop the property with all uses that are allowed in the SFM and GB zoning districts that would be determined at a later date.

A list of all uses allowed in SFM and GB zoning districts is included at the end of this report for reference.

Community Meeting

A community meeting was held June 23, 2021, at Currituck BBQ, Coinjock. There were four people in attendance including the applicant and county representative. The attendees discussed that their family had owned these lands for over 200 years and while they were sorry to see it being developed and hoped it would remain farmland, they did understand.

SURROUNDING PARCELS		
	Land Use	Zoning
North	Cultivated Farmland, Single-Family Dwelling, Middle and High Schools	AG and GB
South	Cultivated Farmland, Single-Family Dwelling, Sand Mine	AG and GB
East	Currituck Sound	Unzoned
West	Single-family Dwellings, Automobile Repair/Sales	AG and GB

LAND USE PLAN	
The 2006 Land Use Plan (LUP) classifies this site as Full Service and Conservation within the Barco-Coinjock-Airport subarea. While the Barco-Coinjock-Airport subarea is, at present, quite sparsely developed (approximately 1 unit per acre), it has many of the ingredients in place to become a significant community center for the mainland. Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. Infrastructure investments may include, for example, community level or centralized water, parks, schools, and fire and rescue facilities. The Conservation class is to provide for the long-term management and protection of significant, limited, or irreplaceable areas. Property management is needed to conserve the natural, cultural, recreational, scenic, or biologically productive values of these areas. The following policy is relevant to the zoning map amendment request:	
Policy ES2	NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species.
Policy ES3	COASTAL WETLANDS shall be conserved for the valuable functions they perform in protecting water quality and in providing critical habitat for the propagation and survival of important plant and animal species.
Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.
Policy HN3	Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS and COMPACT, MIXED-USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES with the objective of avoiding traditional urban sprawl.
Policy CD1	NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.

UDO

In North Carolina, it is illegal to impose conditions on rezonings to conventional zoning districts; therefore, this conventional zoning map amendment is a legislative decision of the Board of Commissioners and is not controlled by any one factor. For example, the applicant has stated that they will develop approximately 80 lots and will retain the trees in the Conservation/wetland area; however, these items cannot legally be made conditions with the request.

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

1. Is 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 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 compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
6. Adversely impacts nearby lands;
7. Would result in a logical and orderly development pattern;
8. Would result in significant adverse impacts on the natural environment— including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
9. 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);
10. Would not result in significantly adverse impacts on the land values in the surrounding area; and,
11. Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.

RECOMMENDATION

PLANNING STAFF

Beginning in 2007, conditional zoning has been a tool to help guide development to align with the community values and character recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to more appropriately address the impacts expected to be generated by the development. It provides predictability in the rezoning application to ensure that the development and use will conform to the county's adopted plans (2006 Land Use Plan) including LUP Policy HN1, HN 3, ES2, ES3, CD1, CD4, and CD5. This request does not allow for conditions to be placed that would ensure that the result of development of these parcels will be compatible development.

A conventional rezoning application is only required to meet the minimum standards of the UDO. The purpose of the Single-Family Residential-Mainland (SFM) zoning district is to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from Caratoke Highway, or place undue stress on the county's education infrastructure. The General Business (GB) zoning district is to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways. Without conditions, potential conflicts may occur with uses permitted in the GB and SFM zoning districts (as shown on the list at the end of this report). Possible examples of this include: parking lot; bar, night club, and lounge; pawn shop in the GB district and silviculture/clear-cutting in the SFM area. The USACE Clean Water Act does not prohibit the cutting of vegetation/trees above the ground surface. There is significant tree cover in the Conservation area.

The conditional zoning process can tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. It can also address impacts that may be associated with the particular property and intended land use. Since the adoption of the 2013 UDO, conventional rezoning approvals included properties that are downzoned to a less intense zoning district, properties that contain bifurcated districts, and one property adjoining the same district on all sides.

This conventional rezoning request results in a substantial density increase for the property. Assumptions for below approximate maximum lot count comparison calculation:

- 159.85 acres (estimate only – GIS used to simplify measurements)
- 10% acreage reduction to account for infrastructure (15.985 ac)
- No dwellings in GB (approx. 5 acres)
- Potential wetlands are not factored into these estimates other than the assumption that delineated wetlands will be placed in open space.
- Suitable soils for septic systems
- NOTE: These numbers are merely rough estimates as true lot counts can only be rendered by a design professional with all known factors provided in a master plan.

AG (Existing) Conservation Subdivision Required	52 lots	62 lots
	Minimum lot size 30,000 sf	Minimum lot size 30,000 sf
	50% open space (79.92 ac)	60% open space (95.91 ac)
	Max Density: .33 u/ac	Max Density: .4 u/ac
SFM (Requested)	98 Traditional Subdivision lots	104 Conservation Subdivision
	40,000 sf minimum lot size	25,000 sf minimum lot size
	30% open space (47.96 acres)	40% open space (63.94 acres)
	Max Density: n/a	Max Density: 1 u/ac in Full Service (75.57 ac) + .33 u/ac in Conservation Area (89.28 ac)

Without a master plan, as required with a conditional zoning request, it is not possible to verify 2006 Land Use Plan consistency for the following:

- LUP POLICY HN1: Encourages development to occur at DENSITIES APPROPRIATE FOR THE LOCATION. Without a master plan, it is not possible to determine if the development's density is compatible with the surrounding developments.
- POLICY HN3: Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space.
- 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.

The LUP further describes highway oriented commercial uses that are more intended along major highways and do not encroach within or immediately adjoining existing residential areas (LUP Policy CD4 and CD5). The request does not provide assurances that all the allowed uses in the GB zoning district would be consistent with the goals, objectives, and policies of the officially adopted plans. The property is located near single-family dwellings and Currituck High and Middle Schools.

Without a master plan, it is not possible to verify consistency with the zoning map amendment review standards of the UDO. For example:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this UDO;
- Is in conflict with any provision of the UDO or the County Code of Ordinances;
- 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;
- Would result in a logical and orderly development pattern; and,
- 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.

There are also school capacity concerns since the May 2021 report shows that Committed Capacity for Moyock/Shawboro/Central Elementary schools is at 122% and the high schools are at 99% committed capacity. Pending verification from the school system, it is staff's understanding that school enrollment for the 2021-2022 school year is higher than projection in some of these schools.

To provide assurances that address the 2006 LUP compatibility policies, staff recommends the applicant submit a conditional zoning application with a plan that is more conceptual in nature. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains the community values and consistency with the officially adopted plans.

Also, the Board may determine that the location, size of the property, and general district allowable uses are consistent with LUP and compatibility can adequately be addressed through the site plan and subdivision review process and requirements of the UDO.

CONSISTENCY AND REASONABLENESS STATEMENT

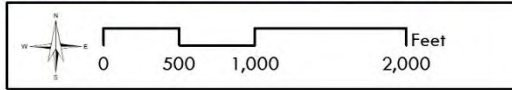
A zoning map amendment is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a zoning map amendment the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

USE COMPARISON	
Uses Allowed in SFM	Uses Allowed in GB
Agriculture/Horticulture; Equestrian Facility; Silviculture; Dwelling (manufactured, single-family detached, duplex) Family care home; Community center/ cultural facility; Library; Museum; Child care center; Elementary and middle school; Government office; Religious institution; Arboretum or botanical garden; Community garden, Park, public or private; Law enforcement, fire, or EMS facility; Telecommunications antenna collection on tower or building; Minor utility; Athletic facility; Bed and breakfast inn;	Agriculture/Horticulture; Agri-education; Agri-entertainment Agribusiness; Equestrian facility; Farmer's and roadside market; Nursery; Agricultural research facility; Distribution hub for agricultural and agronomic products; Silviculture Dwelling (live/work, manufactured, single-family detached, upper story) Dormitory; Family care home; Rooming or boarding house Community Services Day Care Educational Facilities Government Facilities Health Care Facilities Assisted living facility; Auditorium, conference, and convention center; Club or lodge; Halfway house (u); Nursing home; Religious institution Arboretum or botanical garden; Community garden; Park Police, fire, or EMS facility Airport (u); Helicopter landing facility (u) Passenger terminal (surface transportation) Telecommunications antenna and tower (u); Utility, minor/ major (u); Animal Care Eating Establishments Offices Parking lot Recreational/Entertainment, Indoor Arena, amphitheater, or stadium(u); Athletic facility; Golf driving range; Marina; Outdoor tour operator (u); Outdoor Recreation Artisan food and beverage producer; Bar, nightclub, or cocktail lounge; Convenience store; Drug store or pharmacy; Entertainment establishment; Financial institution; Funeral home; Grocery store; Laundromat; Pawn shop (u); Personal services establishment; Repair establishment; Retail sales establishment; Shopping center (u); Winery Boat and marine rental, sales, and service Vehicle sales and service, light Visitor Accommodations Contractor service Crabshedding; Research and development Public convenience center/transfer station (u)

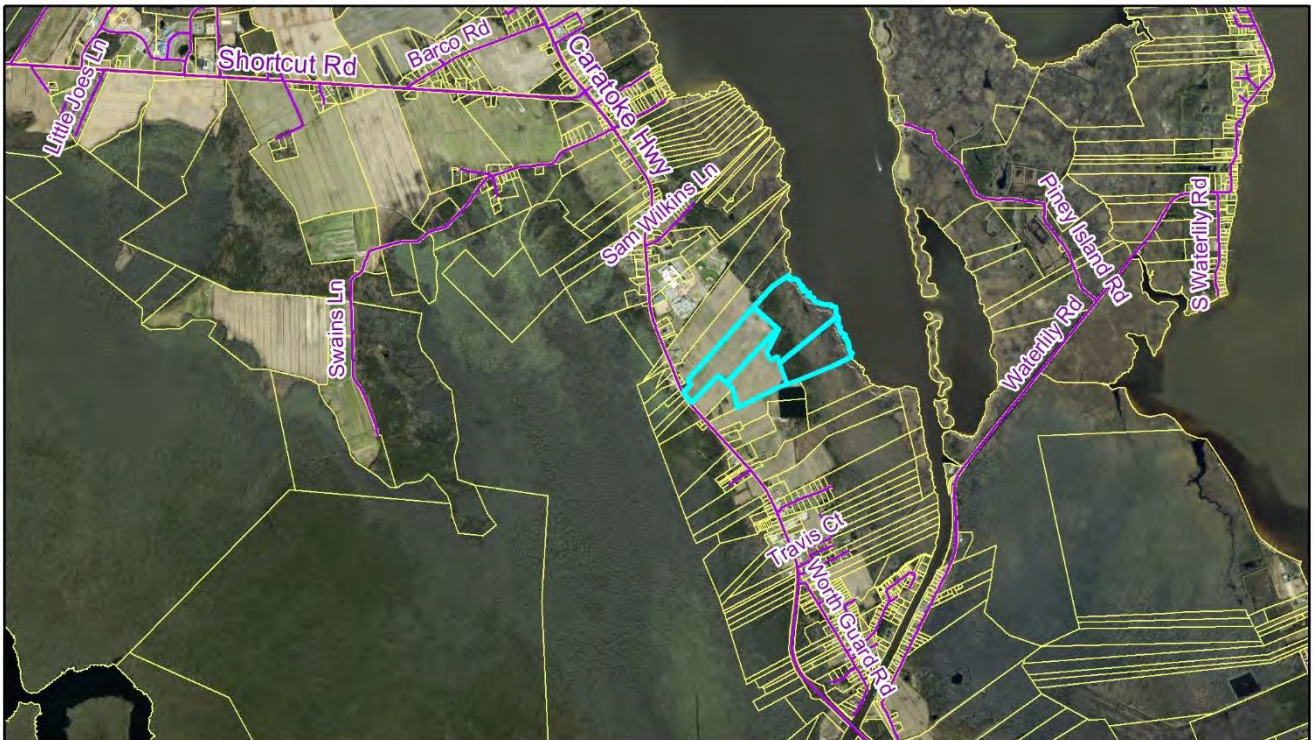
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/planning-board-minutes-current.cfm



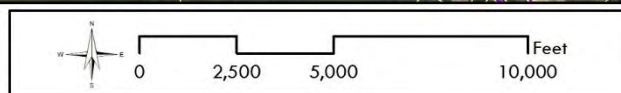
PB 21-17 Hugh S. Miller
Rezoning
2020 Aerial Photography



Currituck County
Planning and
Community Development



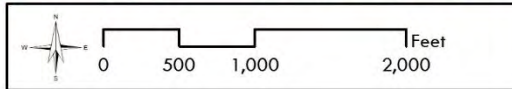
PB 21-17 Hugh S. Miller
Rezoning
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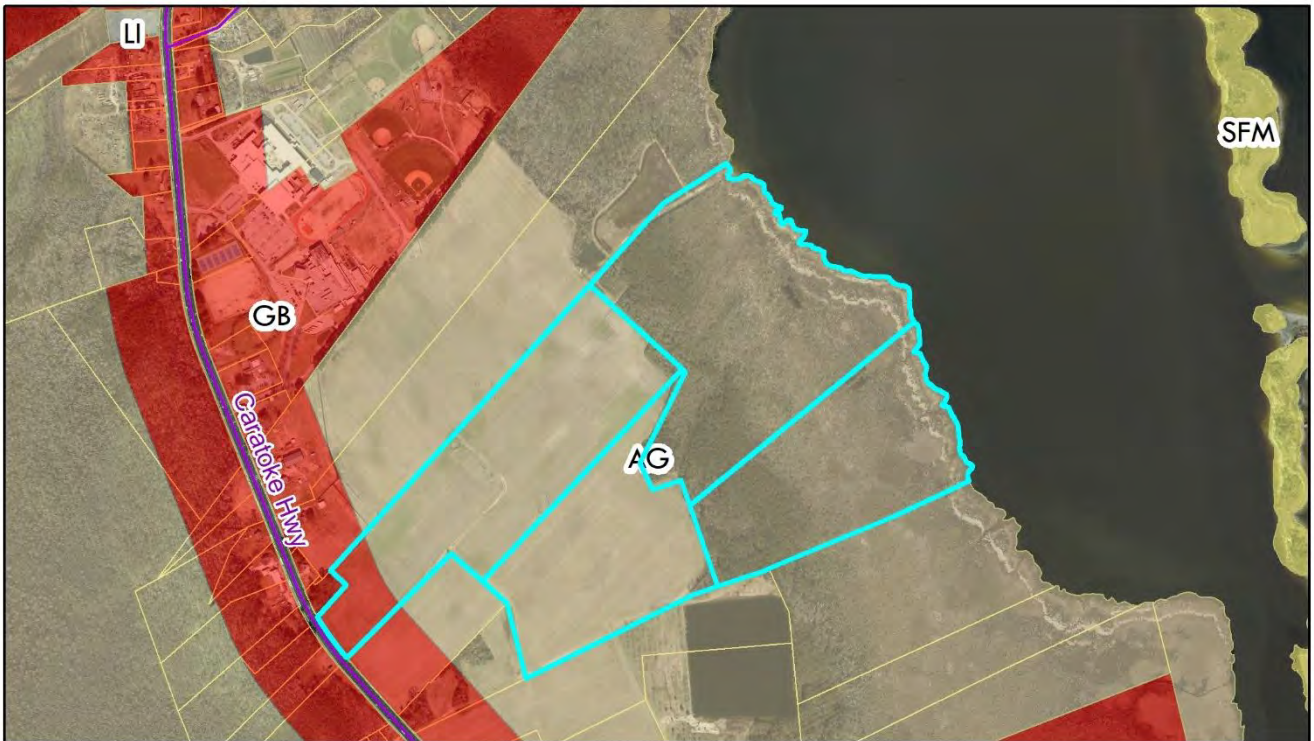
Currituck County
Planning and
Community Development



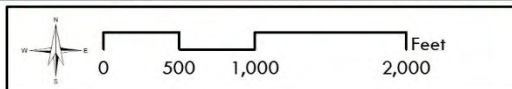
PB 21-17 Hugh S. Miller
Rezoning
LUP Classification



Currituck County
Planning and
Community Development



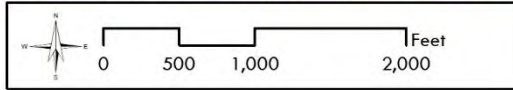
PB 21-17 Hugh S. Miller
Rezoning
Zoning



Currituck County
Planning and
Community Development



PB 21-17 Hugh S. Miller
Rezoning
Potential Wetlands



Currituck County
Planning and
Community Development



REVISIONS			
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BISSELL

PROFESSIONAL GROUP

**Engineers, Planners, Surveyors
and Environmental Specialists**

Bissell Professional Group
Firm License # C-956
3512 North Croatan Highway
P.O. Box 1068
Kitty Hawk, North Carolina 27949
(252) 281-3266
Fax (252) 261-1780

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PROJECT: **A. HAMPTON HEIRS**

CRAWFORD TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

RE-ZONING MAP



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

MEMORANDUM

To: Sam Miller, Miller Homes and Building

From: Planning Staff

Date: August 11, 2021

Re: PB 21-71 Hugh S. Miller Rezoning, TRC Resubmittal Comments
(Revisions from Original Review are noted as ~~strike through~~, underline, or *italics*)

The following comments were received for the August 11, 2021 TRC meeting. Your request has been scheduled for the September 14, 2021 Planning Board meeting. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Tammy Glave, 252-232-6025

Resubmit

1. ~~The application is incomplete.~~ Pursuant to UDO Section 2.3.4.A. Authority to File Applications, provide an application with all owner and contract purchaser signatures ~~or provide a letter or document signed by the owners (Newton Hampton, Charles Jones Jr, Paula Vest, Jennifer Kay) consenting to the rezoning application.~~ *Documents received*
2. ~~Please correct the Parcel Identification Numbers on the application. The first 4 numbers should be '0070' for each lot, indicating map number.~~ *Corrected*
3. This conventional rezoning request results in a substantial density increase and to ensure the development will be a compatible and well-planned development, it is staff's opinion that a conditional zoning application should be submitted and reviewed. Assumptions for below approximate maximum lot count comparison calculation:
 - 159.85 acres (estimate only – GIS used to simplify measurements)
 - 10% acreage reduction to account for infrastructure (15.985 ac)
 - No dwellings in GB (approx. 5 acres)
 - Roughly 50 acres of wetlands based on soils map at the rear of the property in the Conservation area
 - Suitable soils for septic systems
 - NOTE: These numbers are merely rough estimates as true lot counts can only be rendered by a design professional with all known factors provided in a master plan.

AG (Existing) Conservation Subdivision Required	45 lots	55 lots
	Minimum lot size 30,000 sf	Minimum lot size 30,000 sf
	50% open space (69.43 ac)	60% open space (83.319 ac)
	Max Density: .33 u/ac	Max Density: .4 u/ac
SFM (Requested)	90 Traditional Subdivision lots	104 Conservation Subdivision
	40,000 sf minimum lot size	25,000 sf minimum lot size
	40% open space (55.55 acres)	40% open space (55.55 acres)
	n/a	Max Density: 1 u/ac in Full Service (75.57 ac) + .33 u/ac in Conservation Area (89.28 ac)

4. Without a master plan, as required with a conditional zoning request, it is not possible to verify that Land Use Plan policies are being met. For example:
 - a. LUP POLICY HN1: Encourages development to occur at DENSITIES APPROPRIATE FOR THE LOCATION. Without a master plan, it is not possible to determine if the development's density is compatible with the surrounding developments.
 - b. POLICY HN3: Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space.
 - c. 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.
5. Without a master plan, it is not possible to verify that the zoning map amendment review standards are being met. For example:
 - a. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this UDO;
 - b. Is in conflict with any provision of the UDO or the County Code of Ordinances;
 - c. 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;
 - d. Would result in a logical and orderly development pattern; and,
 - e. 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.

6. Staff will not support a conventional rezoning of this property from AG to SFM. The SFM district is established to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place undue stress on the county's educational infrastructure. This request does not ensure that the result of development of these parcels will be compatible development.
7. The conditional zoning process was established in 2007 to offer an option to promote orderly growth in the county by providing tools to help guide development to be in line with the community values recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board of Commissioners to tailor a development in such a way as to accommodate the property owner's interest, community values, and neighborhood character.
8. Since the adoption of the 2013 UDO, conventional rezoning approvals typically include properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts.
9. Staff recommends the applicant submit a conditional zoning application with a conceptual plan. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains compatibility, the community values, and consistency with the officially adopted plans.
10. A conditional zoning application must be for the entire property. Perhaps a lot recombination can be considered to separate out the GB zoned portions of property. An NC licensed surveyor can assist you with this portion of the development.
11. There are also general school capacity concerns since the Committed Capacity for Moyock/Shawboro/Central Elementary schools is at 122% and the high schools are at 99% committed capacity.
12. The applicant has verbally indicated approximate minimum lot size of 30,000 sf; preservation of wetlands; and approximately 80 lots to be developed. Without a conditional zoning application, these items cannot be required as part of the approval.

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

Reviewed without comment.

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

Reviewed without comment.

Currituck County Utilities, Will Rumsey & Dave Spence (Will Rumsey 252-232-2769; Dave Spence 252-232-2769)

Reviewed with comment:

1. It is early on, but we would like to know roughly the amount of water that will be required for this project if possible.

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

Comments were addressed on resubmittal.

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

Reviewed without comment.

Currituck County Economic Development, Larry Lombardi (252-232-6015)

No new comments.

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

Reviewed with comments:

1. Any future development proposed within 75 feet of Normal Water Level (NWL) or over water will need to be authorized through the proper CAMA permit prior to starting. Please contact Robert Corbett, DCM Field Representative, for further information. He can be reached at 252-264-3901.
2. Work with the County to ensure the future project design is consistent with the Currituck County 2006 Land Use Plan certified by the CRC on May 18, 2007 as amended through July 2, 2019 and the applicable "Conservation Areas" and "Full Service Areas" designations on the County's Future Land Use Map.

Comments Not Received From

Albemarle Regional Health Services, Joe Hobbs

The following items are necessary for resubmittal:

- 2 - 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.



Currituck County

Department of Planning
 Post Office Box 70
 Currituck, North Carolina 27929
 252-232-3055
 FAX 252-232-3026

MEMORANDUM

To: Sam Miller, Miller Homes and Building

From: Planning Staff

Date: July 15, 2021

Re: PB 21-71 Hugh S. Miller Rezoning, TRC Comments

The following comments were received for the July 14, 2021 TRC meeting. In order to be scheduled for the September 14, 2021 Planning Board meeting, the applicant must submit additional information to address the TRC comments provided below by no later than 3:00 pm on July 22, 2021. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Tammy Glave, 252-232-6025

Resubmit

1. **The application is incomplete.** Pursuant to UDO Section 2.3.4.A. Authority to File Applications, provide an application with all owner and contract purchaser signatures **or** provide a letter or document signed by the owners (Newton Hampton, Charles Jones Jr, Paula Vest, Jennifer Kay) consenting to the rezoning application.
2. Please correct the Parcel Identification Numbers on the application. The first 4 numbers should be '0070' for each lot, indicating map number.
3. This conventional rezoning request results in a substantial density increase and to ensure the development will be a compatible and well-planned development, it is staff's opinion that a conditional zoning application should be submitted and reviewed. Assumptions for below approximate maximum lot count comparison calculation:
 - 159.85 acres (estimate only – GIS used to simplify measurements)
 - 10% acreage reduction to account for infrastructure (15.985 ac)
 - No dwellings in GB (approx. 5 acres)
 - Roughly 50 acres of wetlands based on soils map at the rear of the property in the Conservation area
 - Suitable soils for septic systems
 - NOTE: These numbers are merely rough estimates as true lot counts can only be rendered by a design professional with all known factors provided in a master plan.

Attachment: 4 Sam Miller (Barco) Rezoning 7-14-2021 TRC comments (PB 21-17 Hugh S. Miller)

AG (Existing) Conservation Subdivision Required	45 lots	55 lots
	Minimum lot size 30,000 sf	Minimum lot size 30,000 sf
	50% open space (69.43 ac)	60% open space (83.319 ac)
	Max Density: .33 u/ac	Max Density: .4 u/ac
SFM (Requested)	90 Traditional Subdivision lots	104 Conservation Subdivision
	40,000 sf minimum lot size	25,000 sf minimum lot size
	40% open space (55.55 acres)	40% open space (55.55 acres)
	n/a	Max Density: 1 u/ac in Full Service (75.57 ac) + .33 u/ac in Conservation Area (89.28 ac)

4. Without a master plan, as required with a conditional zoning request, it is not possible to verify that Land Use Plan policies are being met. For example:
 - a. LUP POLICY HN1: Encourages development to occur at DENSITIES APPROPRIATE FOR THE LOCATION. Without a master plan, it is not possible to determine if the development's density is compatible with the surrounding developments.
 - b. POLICY HN3: Currituck County shall especially encourage OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space.
 - c. 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.
5. Without a master plan, it is not possible to verify that the zoning map amendment review standards are being met. For example:
 - a. Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this UDO;
 - b. Is in conflict with any provision of the UDO or the County Code of Ordinances;
 - c. 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;
 - d. Would result in a logical and orderly development pattern; and,
 - e. 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.

6. Staff will not support a conventional rezoning of this property from AG to SFM. The SFM district is established to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place undue stress on the county's educational infrastructure. This request does not ensure that the result of development of these parcels will be compatible development.
7. The conditional zoning process was established in 2007 to offer an option to promote orderly growth in the county by providing tools to help guide development to be in line with the community values recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board of Commissioners to tailor a development in such a way as to accommodate the property owner's interest, community values, and neighborhood character.
8. Since the adoption of the 2013 UDO, conventional rezoning approvals typically include properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts.
9. Staff recommends the applicant submit a conditional zoning application with a conceptual plan. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains compatibility, the community values, and consistency with the officially adopted plans.
10. A conditional zoning application must be for the entire property. Perhaps a lot recombination can be considered to separate out the GB zoned portions of property. An NC licensed surveyor can assist you with this portion of the development.
11. There are also general school capacity concerns since the Committed Capacity for Moyock/Shawboro/Central Elementary schools is at 122% and the high schools are at 99% committed capacity.

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

Reviewed without comment.

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

Reviewed without comment.

Currituck County Utilities, Will Rumsey & Dave Spence (Will Rumsey 252-232-2769; Dave Spence 252-232-2769)

Reviewed with comment:

1. It is early on, but we would like to know roughly the amount of water that will be required for this project if possible.

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

Reviewed with comment:

1. The Parcel ID Numbers for the parcels are:
0070-000-0037-0000
0070-000-0038-0000
0070-000-0039-0000
0070-000-0040-0000

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

Reviewed without comment.

Currituck County Economic Development, Larry Lombardi (252-232-6015)

Reviewed with comment:

1. Good to see the property along the highway will still be zoned as GB.

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

Reviewed with comments:

1. Any future development proposed within 75 feet of Normal Water Level (NWL) or over water will need to be authorized through the proper CAMA permit prior to starting. Please contact Robert Corbett, DCM Field Representative, for further information. He can be reached at 252-264-3901.
2. Work with the County to ensure the future project design is consistent with the Currituck County 2006 Land Use Plan certified by the CRC on May 18, 2007 as amended through July 2, 2019 and the applicable "Conservation Areas" and "Full Service Areas" designations on the County's Future Land Use Map.

Comments Not Received From

Albemarle Regional Health Services, Joe Hobbs



Zoning Map Amendment Application

OFFICIAL USE ONLY:

Case Number: PB 21-17
 Date Filed: 6/24/21
 Gate Keeper: S. S. Miller
 Amount Paid: \$1015.00

Contact Information
APPLICANT:

Name: HUGH MILLER
 Address: 111 CURRITUCK WOOD DR.
SUITE B MARYK, NC 27958
 Telephone: 757-58-7671
 E-Mail Address: S.MILLER@
MILLERHOMESANDBUILDING.COM

PROPERTY OWNER:

Name: SEE ATTACHED
 Address: _____
 Telephone: _____
 E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: BUYER OF PROPERTIES

Property Information

Physical Street Address: XXX COASTAL HWY. BAZCO, NC 27917
 Location: HSN
0070-
 Parcel Identification Number(s): 007-00000-(37,38,39/40)-0000
 Total Parcel(s) Acreage: 164.85 AC
 Existing Land Use of Property: FARM + WOODS

Request

Current Zoning of Property: AG+GB Proposed Zoning District: SFM
 Total Acreage for Rezoning: 162.6 Are you rezoning the entire parcel(s): Yes ☒ No ☐
 Metes and Bounds Description Provided: Yes/No

Community Meeting, If Applicable

Date Meeting Held: 6/23/2021 Meeting Location: CURRITUCK BBA

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

[Signature]
 Property Owner(s)/Applicant*

6/24/2021
 Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

7/18/2021

RE: Currituck County Rezoning application by Hugh S Miller IV, PB 21-71

To Whom It May Concern:

We hereby approve and consent the application of rezoning for the properties located at US168 in Barco, NC. We are the listed owners of these properties and approve of this application.

The Parcel ID Numbers for the parcels are:

0070-000-0039-0000

0070-000-0040-0000

Signed:

Charles Jones Jr:

DocuSigned by:

Charles I Jones

DocuSigned by:

BF2F300905004A3...

Date: 7/18/2021

Paula Minges:

DocuSigned by:

Paula S Minges

DocuSigned by:

3F388D235DEC4B6...

Date: 7/18/2021

Jennifer Kay:

DocuSigned by:

Jennifer M Kay

3F388D235DEC4B6...

Date: 7/18/2021

Attachment: 6 App 2 (PB 21-17 Hugh S. Miller)

7/18/2021

RE: Currituck County Rezoning application by Hugh S Miller IV, PB 21-71

To Whom It May Concern:

We hereby approve and consent the application of rezoning for the properties located at US168 in Barco, NC. We are the listed owners of these properties and approve of this application.

The Parcel ID Numbers for the parcels are:

0070-000-0037-0000

0070-000-0038-0000

Signed:

Newton Hampton:

DocuSigned by:

Newton Hampton

8FC628703D734D6...

Date: 7/18/2021

Attachment: 7 App 3 (PB 21-17 Hugh S. Miller)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3226

Agenda Item Title: PB 21-16 Currituck County Housekeeping Text Amendment:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jennie Turner

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Currituck County Unified Development Ordinance Chapter 2 to correct a reference related to Minor Subdivisions, Chapter 4 to correct terminology from "use permit" to "special use permit" and Chapter 6 to correct a General Statute reference for consistency with the G.S. 160D update.

Planning Board Recommendation:

Staff Recommendation: Approval

TRC Recommendation:



Currituck County

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

To: Planning Board

From: Planning Staff

Date: September 2, 2021

Subject: PB 21-16 Currituck County – Housekeeping Amendment

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to revise miscellaneous sections of the Unified Development Ordinance (UDO) as it relates to:

- Item 1 Corrects a UDO Section reference related to review of Minor Subdivisions.
- Item 2 Corrects “use permit” to “special use permit” for consistency with G.S. 160D update.
- Item 3 Corrects G.S. reference for consistency with G.S. 160D update.

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 the request as submitted and suggests the following Consistency Statement:

The requested zoning text amendment is consistent with the 2006 Land Use Plan including:

POLICY HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments.

and it is required by the changes to G.S. 160-D, the modernization of the entire body of state laws on local planning and development regulation.



**PB 21-16 CURRITUCK COUNTY
TEXT AMENDMENT
PLANNING BOARD
SEPTEMBER 14, 2021**

Amendment to the Unified Development Ordinance, Chapter 2. Administration, Chapter 4. Use Standards and Chapter 6. Subdivision and Infrastructure Standards.

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 2, Section 2.4.8.D. is amended by removing the following strike-through language and adding the underlined language:

D. Minor Subdivision

(1) Procedure

(a) Pre-Application Conference

Not applicable.

(b) Community Meeting

Not Applicable.

(c) Application Submittal and Acceptance

(i) Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the applicable standards in Section 2.4.8.E. 8 ~~5-b~~, Final Plat Review Standards.

(ii) Applications for a family subdivision shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to family members, and that conveyance of a lot in a family subdivision to a non-family member is a violation of this Ordinance.

(d) Staff Review and Action

Applicable (see Section 2.3.5). The Director shall decide an application for a minor subdivision in accordance with Section 2.3.5.D, Applications Subject to Decision by Director or Technical Review Committee, and Section 2.4.8.D.2, Minor Subdivision Review Standards.

(e) Public Hearing Scheduling and Public Notification

Not applicable.

(f) Public Hearing Procedures

Not applicable.

(g) **Advisory Body Review and Recommendation**

Not applicable.

(h) **Decision-Making Body Review and Decision**

Not applicable.

(2) **Minor Subdivision Review Standards**(a) **General Standards**

A minor subdivision shall be approved on a finding that:

- (i) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the applicable standards for a final plat in Section 2.4.8.E.8 ~~.5-B~~; and all other applicable standards in this Ordinance;

Item 2: That Chapter 4, Section 4.2.3.D. is amended by adding the following underlined language:

(3) **Religious Institutions**

Religious institutions shall comply with the following standards:

- (a) Religious institutions in the SFM, SFO, and SFI districts that include a school or sanctuary with a capacity of 800 persons or more shall obtain a special use permit in accordance with Section 2.4.6, Special Use Permit.

Item 3: That Chapter 6, Section 6.2.5. is amended by removing the following strike-through language and adding the underlined language:

C. Use of Funds

Payments-in-lieu received in accordance with this subsection shall be used for transportation construction consistent with the requirements of the North Carolina General Statutes Section 160D-804 ~~153A-331~~.

Item 3: Statement of Consistency

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: _____



Text Amendment Application

OFFICIAL USE ONLY:

Case Number:

PB 21-16

Date Filed:

6-24-2021

Gate Keeper:

Amount Paid:

P

Contact Information

APPLICANT:

Name: Laurie B. LoCicero, AICP, Planning Director

Address: 153 Courthouse Road, Suite 110

Currituck, NC 27929

Telephone: 252-232-3055

E-Mail Address: laurie.locicero@currituckcountync.gov

Request

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

Amend Chapter(s) _____ Section(s) _____ as follows:

see attached.

*Request may be attached on separate paper if needed.

Laurie B. LoCicero

Petitioner

6/24/2021

Date

UDO Section 4.2.3.D. (3) (a)
Correct "use permit" to "special use permit"

UDO Section 6.2.5.(C)
Correct GS reference from "153A-331" to "160D-804"



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3214

Agenda Item Title: PB 21-19 Outer Banks Ventures, Inc. LUP Amendment:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jennie Turner

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Future Land Use Classification Map from Conservation to Full Service designation on property located at the southern end of Monteray Shores Planned Unit Development adjacent to Malia Drive in Corolla.

Planning Board Recommendation:

Staff Recommendation: Approval

TRC Recommendation: Application Reviewed



STAFF REPORT
PB 21-19 OUTER BANKS VENTURES
LAND USE PLAN AMENDMENT
PLANNING BOARD
SEPTEMBER 14, 2021

APPLICATION SUMMARY

Property Owner: Richard C. Willis Outer Banks Ventures, Inc. PO Box 549 Corolla, NC 27927	Applicant: Richard C. Willis Outer Banks Ventures, Inc. PO Box 549 Corolla, NC 27927
Case Number: PB 21-19	Application Type: Future Land Use Plan Map Amendment
Parcel Identification Number: 0116-000-0010-0000	Existing Use: Pond/Vacant/Utility Open Space for Monterey Shores PUD
Land Use Plan Classification: Full Service and Conservation	Proposed Land Use Plan Classification: Full Service and Conservation
Parcel Size (Acres): 36.19	Current Zoning: SFO with PUD Overlay, Monterey Shores PUD
Request: Amend future land use plan classification map from Conservation to Full Service to allow for mixed-use development.	

REQUEST

NARRATIVE & STAFF ANALYSIS

Outer Banks Ventures, Inc. is requesting a Future Land Use Plan Map amendment from Conservation to Full Service. The property is in the Monterey Shores PUD and is adjacent to the Timbuck II Shopping Village, Corolla Adventure Golf & Bumper Cars, Monterey Shores commercial area, Monterey Pines Condominiums, and the Monterey Shores Wastewater Treatment Plant.

The site is 36.19 acres, 0.40 acres are designated Full Service and 35.79 acres are designated Conservation. This request will result in 12.22 acres designated Full Service and 23.57 acres designated Conservation. The request is based on a recently approved US Army Corps of Engineers wetland delineation. This request designates the upland portion of the site as Full Service and the wetland area will remain as Conservation. The requested amendment will allow the owner to request Monterey Shores Amended Sketch Plan/Special Use Permit approval of mixed-use development including residential density on the Full Service designated portion of the site.

The property is in the Corolla subarea of the 2006 Land Use Plan. The policy emphasis in this subarea is to allow for predominately medium density residential development (2-3 units per acre) with minimal commercial development arranged in clusters. An overall density of no more than 3 units per acre should also apply to PUDs. Strip commercial development is to be avoided for both aesthetic reasons and traffic movement considerations. Development and redevelopment should be capable of being supported by the area's infrastructure and services – particularly drinking water, sewage treatment, road capacity, parking areas, and required fire suppression capabilities.

Staff finds this request acceptable since it is in line with the draft update to the 2006 Land Use Plan/Map, *Imagine Currituck*. Full Service designation and commercial development is located to the south along the property line, adjacent to the area requested for changed designation. Water and sewer are

available to the site, and the property is close to NC12, a major arterial street. The existing pond will be incorporated into the Full Service area and will be a design and stormwater feature for future development. The applicant has provided a certified wetland delineation dated April 23, 2020. The 404 wetlands area will remain designated Conservation. Given these reasons, the requested change to the 2006 Future Land Use Plan Map is appropriate.

Should the LUP Map amendment be approved, the application must be reviewed and approved by the Division of Coastal Management.

**APPLICANT'S STATEMENTS OF JUSTIFICATION FOR REQUEST
THE FOLLOWING RESPONSES WERE PROVIDED BY THE APPLICANT:**

1. Will the proposed amendment support uses that are suitable in the view of the use and development of adjacent and nearby properties?
 - *Yes. The land that is proposed to be reclassified is adjacent to existing commercial development and to the Full Service Land Classification along its entire southern and eastern boundaries. The land is located adjacent to and will become part of an existing commercial and mixed-use hub in Corolla.*
2. Will the proposed amendment adversely affect the existing use or usability of adjacent or nearby properties?
 - *No. Adjacent properties are commercial condominiums and a wastewater utility. The amendment will provide for additional compatible commercial and mixed-use development.*
3. Will the proposed amendment support uses that could result in an excessive or burdensome use of existing public facilities such as streets, schools, transportation facilities, or utilities?
 - *No. Existing streets will be looped through the development and will be able to accommodate traffic; no impacts on schools are anticipated; pedestrian connections will be made to enhance connectivity, and existing utilities have capacity to serve the site.*
4. How does the proposed amendment conform to the recommendations of the Future Land Use Plan and any other applicable long range plans?
 - *The following policies are supported by this amendment:*
 - *The Corolla Subarea states in part, "the policy emphasis of this plan is to allow for predominantly medium density residential development (2 to 3 units per acre)*
 - *An overall density of no more than 3 units per acres should also apply in PUDs, the prevailing development form in the Corolla Area.*
 - *The property is within the developable part of an existing PUD.*
 - The full service use of this land will be in keeping with the following policies of the Land Use Plan:
 - **POLICY ES2: NON-COASTAL WETLANDS**, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corps of Engineers in protecting such wetlands through the Section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.
 - *Applicant Comment: The land that is being considered does not contain any wetlands.*
 - **POLICY OB1: Currituck County supports the provision of INFRASTRUCTURE** (e.g. potable water) AND SERVICES (e.g. law enforcement officers) adequate to meet basic quality of life and public health and safety requirements of residents on the Outer Banks, while at the same not stimulating inappropriate intensive development in environmentally fragile, hazardous barrier island areas.

- *Applicant Comment: The land is adjacent to and has access to adequate water and sewer facilities.*
- POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.
 - *Applicant Comment: The development that is proposed will provide an opportunity for access to the sound.*
- POLICY PA2: The County supports MANY FORMS OF “ACCESS” to the water, including scenic outlooks and boardwalks, boat ramps, marinas and docks, fishing piers, canoe and kayak launches, and other means of access. Whenever possible, such facilities shall be designed to accommodate the needs of handicapped individuals.
 - *Applicant Comment: Development of the land is proposed to include boat docks.*
- POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.
 - *Applicant Comment: The site is environmentally suitable, has adequate sewage capacity and transportation facilities available, and is adjacent to existing urban development.*
- POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
 2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
 - *Applicant Comment: The proposed development appears to support both of these development policies, except for the lack of a full service designation with regard to the 2nd policy, which this land should technically have based on the land suitability analysis.*
- 5. Are there any existing or changing conditions affecting the use or development of the property which justifies either approval or disapproval of the request?
 - Yes. A new wetland map indicates that the portion of the site that is proposed for classification as full service is not wetlands and is suitable for development.
- 6. Is there a public need for additional land space to be classified to this request?
 - There is a need in Corolla for additional restaurant, housing, entertainment and recreational opportunities which can be made available as a result of the approval.

7. How does this request relate to the land suitability analysis found in the Land Use Plan? Are there factors that have changed since the suitability analysis was completed?

- *The land is not a wetland, most of the land is not in a flood hazard area, it has not been classified as a storm-surge area, does have soils that are suitable for development, and is adjacent to existing water and sewer lines. The original analysis in the 2006 LUP appears to be a high-level analysis that did not focus on this particular land.*

- Statement of how the Land Use Plan amendment otherwise advances public health, safety, and general welfare:
 - *The site is suitable for development in terms of soils, drainage, transportation, utilities, and compatibility with adjacent developments. Public health, safety, and welfare can be advanced through careful planning and design.*

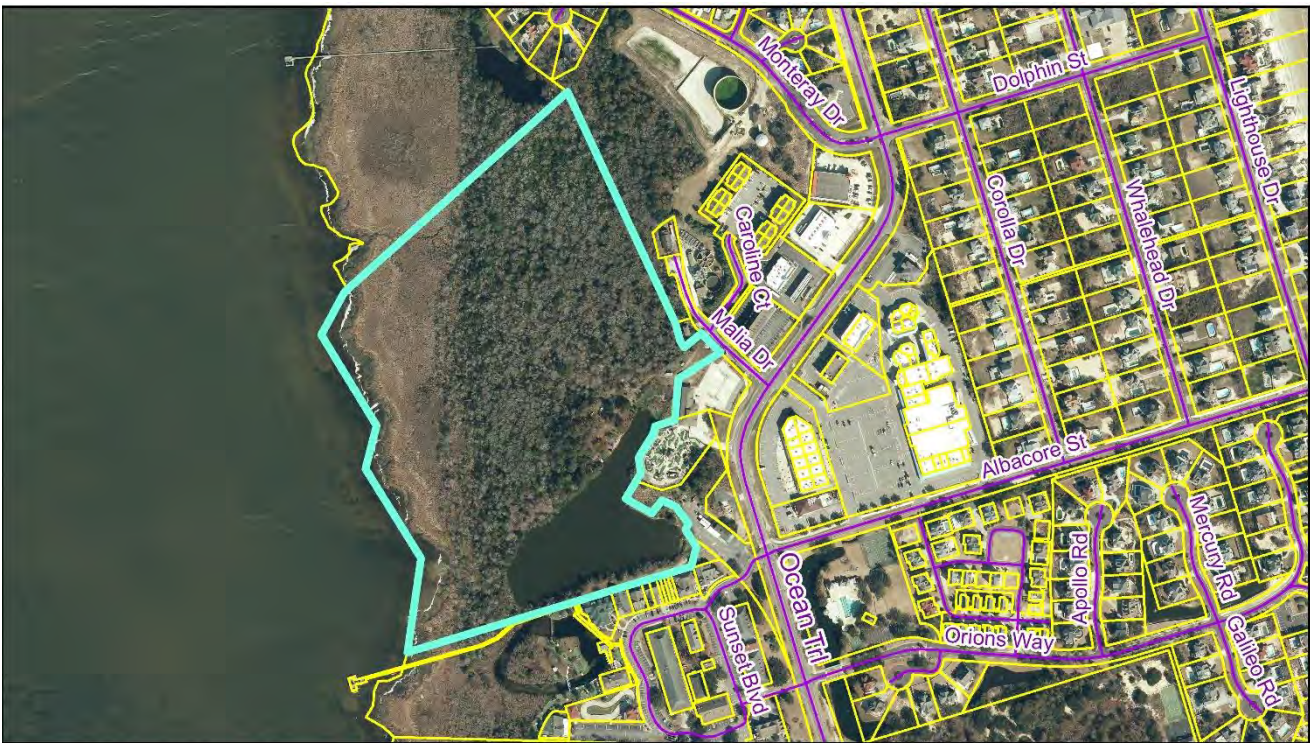
SURROUNDING PARCELS		
	Land Use	LUP Classification
North	Monteray Shores Open Space	Conservation
South	Timbuck II Shopping Village	Full Service & Conservation
East	Monteray Shores WWTP/ Corolla Adventure Golf & Bumper Cars/Seaside Farm Market/Coffee Shop	Full Service & Conservation
West	Currituck Sound	N/A

STAFF RECOMMENDATION

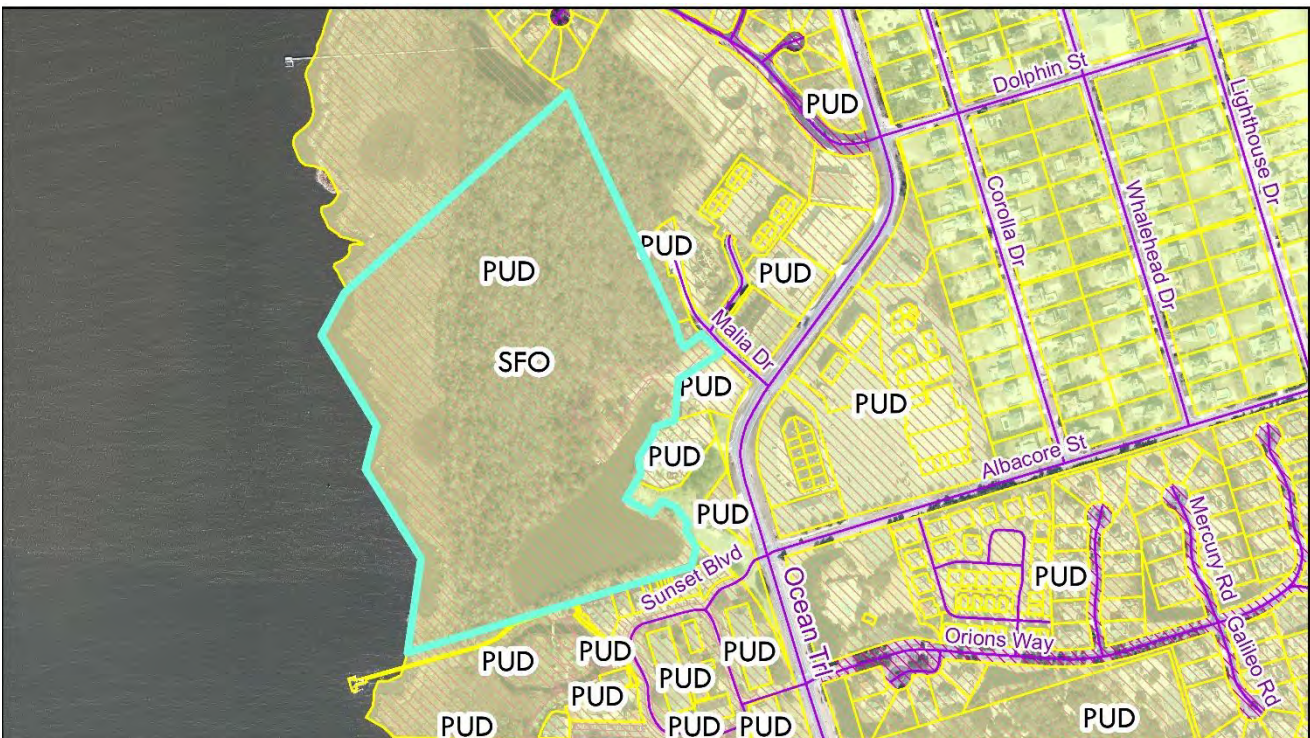
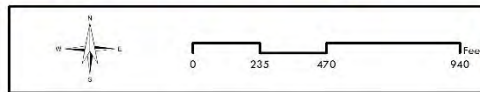
A Land Use Plan Amendment is a legislative decision of the Board of Commissioners.

Staff recommends approval because:

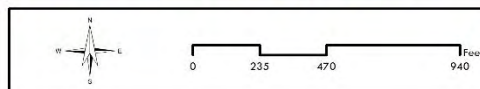
- The Future Land Use Map in the Draft 2006 Land Use Plan Update, *Imagine Currituck*, shows this area as G3, Mixed Use Center & Corridors which is a similar designation to Full Service.
- The policy emphasis for the Corolla subarea is to allow for predominately medium density residential development with minimal commercial development arranged in clusters. The requested change will allow for commercial or mixed-use development in an existing commercial center in Corolla. The area contains commercial development for Buck Island PUD (Timbuck II Shopping Village) as well as the Monteray Shores PUD (Monteray Plaza Shopping Center) and it abuts the existing Monteray Shores WWTP to the northeast.



PB 21-19 Outer Banks Ventures
Land Use Plan Amendment
2020 Aerial Photography



PB 21-19 Outer Banks Ventures
Land Use Plan Amendment
Official Zoning Map





PB 21-19 Outer Banks Ventures
Land Use Plan Amendment
2006 LUP Classification



Currituck County
Development Services
Department

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
<http://currituckcountync.igm2.com/Citizens/default.aspx>


Currituck County
Department of Planning and Community Development

153 Courthouse Road, Suite 110

Currituck, North Carolina 27929

252-232-3055

FAX 252-232-3026

MEMORANDUM
To: Rick Willis, Outer Banks Ventures, Inc.

From: Jennie Turner, Senior Planner

Date: August 12, 2021

Re: PB 21-19 Outer Banks Ventures – LUP Amendment

The following comments were received at the August 11, 2021 TRC meeting. In order to be scheduled for the September 14, 2021 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on August 23, 2021.

Planning, Jennie Turner 252-232-6031

Reviewed

1. Please clearly show existing full service and conservation areas with area calculations.
2. Please clearly show proposed full service and conservation areas with area calculations.
3. Please provide wetland delineation approved by Army Corps of Engineers.
4. Provide detail regarding right to access through adjacent NCDOT owned parcel.

NC DEQ- Division of Coastal Management, Charlan Owens 252-264-3901

No comment

Currituck County Building Inspections & Fire, Bill Newns 252-232-6023

No comments at this time

Currituck County Water, Will Rumsey, 252-232-6060

Reviewed

No comments until utilities plans are further along.

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

Reviewed

Currituck County GIS, Harry Lee 252-232-2034

Reviewed

The Parcel ID Number on the application is incorrect. It should be 0116-000-0010-0000.

If approved, please make sure Currituck County GIS receives the final approved plan showing the land use classification change with the appropriate line tables (with Line/Length/Bearing).

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

Reviewed

*NOTE: DEVELOPER/OWNER NEEDS TO SUBMIT INTERIOR LAYOUT OF PROPOSED RESTAURANT FOR HEALTH DEPT. REVIEW.

Attachment: TRC Comments - 8.11.2021 (PB 21-19 Outer Banks Ventures, Inc. LUP Amendment)

*DEVELOPER/OWNER NEEDS TO OBTAIN SEWER ALLOCATION APPROVAL LETTER FROM THE NC DIVISION OF WATER QUALITY (WASHINGTON REGIONAL OFFICE -252-946-6481) .

Currituck County Economic Development, Larry Lombardi, 252-232-6015

Reviewed

Where is the ingress/egress on Peanut Lane? How are vehicles accessing the retail stores with the dwelling units above? Are they going through the Seaside Market parking lot at Sunset Blvd? Don't see the street connection from Currie Lane to Peanut Lane.

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

Reviewed

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

The following items are necessary for resubmittal:

- 2 - 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.



August 23, 2021

Ms. Jennie Turner
Senior Planner
Currituck County Department of Planning and Community Development
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929

Re: PB 21-19 Outer Banks Ventures – LUP Amendment

Dear Jennie:

We are responding to comments that were received following the August 11, 2021 TRC meeting as follows:

Planning, Jennie Turner

1. The map has been updated to show existing full service and conservation areas more clearly in color and has area calculations added.
2. A separate map has been prepared to show proposed full service and conservation areas more clearly in color and also has area calculations included.
3. The wetland delineation map approved by the Army Corps of Engineers is attached.
4. While NCDOT has indicated in multiple conversations that they do not foresee a problem with granting approval for the use of the right-of-way for site access, we do not yet have a written agreement. Additional discussions with the appropriate parties are taking place this week. The LUP Amendment request will be the same whether or not this access is utilized in the final development plan.

Currituck County GIS, Harry Lee

The Parcel ID Number on the application has been corrected as requested.

Albemarle Regional Health Services, Joe Hobbs

The restaurant layout and other details will be developed at future stages of the approval process.

Currituck County Economic Development, Larry Lombardi

The ingress/egress to Peanut Lane is through the Seaside Market parking lot. With NCDOT approval, the drive aisle will be improved and better delineated, and will be extended to become Currie Lane. Additional details will be provided at the site plan review stage of this project.

US Army Corps of Engineers, Anthony Scarbraugh

We will obtain approval from the US Army Corps of Engineers for any impacts to jurisdictional waters or wetlands of the US prior to construction plan approval.

We are including two full size copies of revised plans, one 8.5"x11" copy of all revised plans, and one PDF digital copy of all revised documents and plans in order to be scheduled for the September 14, 2021 Planning Board meeting.

Please let me know if any additional information is needed at this time.

Sincerely,

Bissell Professional Group

A handwritten signature in blue ink, appearing to read 'Mark S. Bissell', is written over a faint, light blue circular stamp or watermark.

Mark S. Bissell, P.E.

cc: Mr. Richard Willis

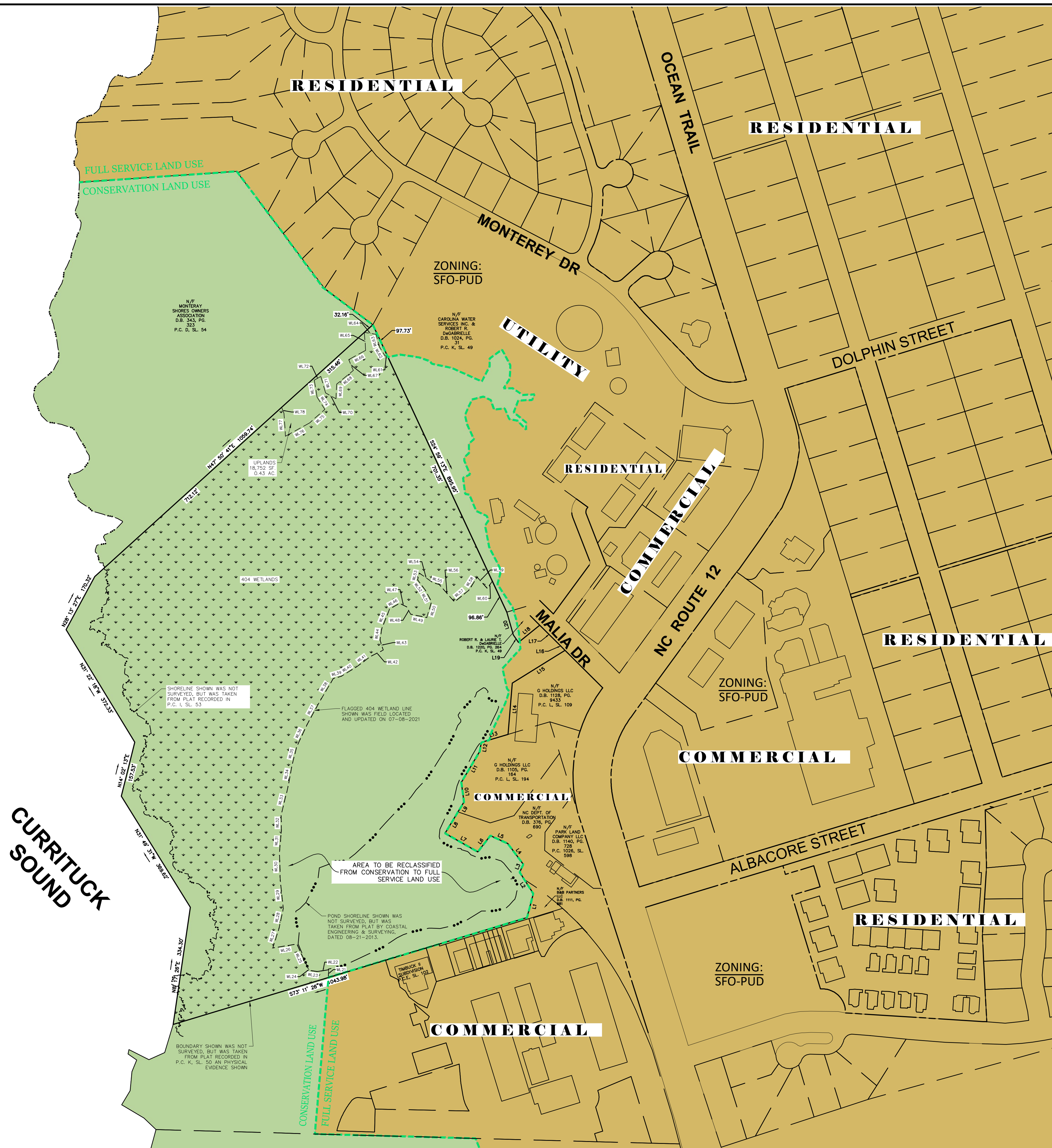
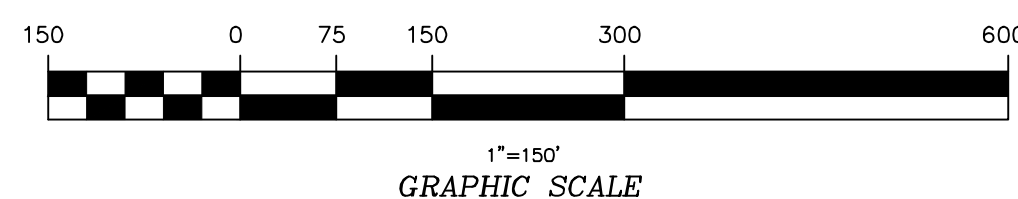
Attachment: 8-23-21 TRC response letter (PB 21-19 Outer Banks Ventures, Inc. LUP Amendment)



LEGEND	
	ROADWAY CENTERLINE
	RIGHT-OF-WAY
	PROPERTY BOUNDARY
	ADJOINING PROPERTY LINE
	SHORELINE
	EXISTING CONCRETE MONUMENT
	SET CONCRETE MONUMENT
	SET IRON ROD
	EXISTING IRON ROD
	EXISTING IRON PIPE
SF	SQUARE FEET
AC	ACRES

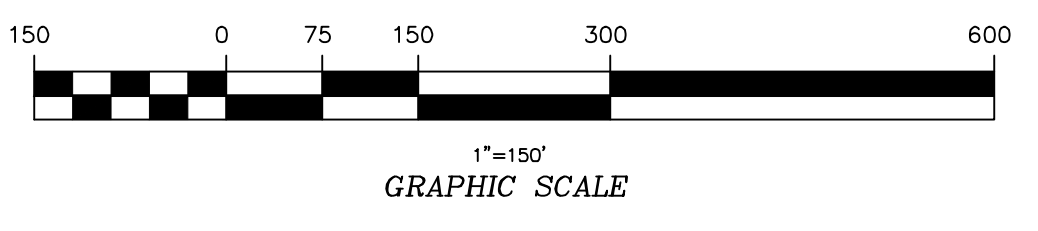
LAND USE LEGEND	
EXISTING CONSERVATION LAND USE	
EXISTING FULL SERVICE LAND USE	
EXISTING TRACT AREA	36.19 AC.
EXISTING FULL SERVICE TRACT AREA	0.40 AC.
EXISTING CONSERVATION TRACT AREA	35.79 AC.

PROPERTY LINE TABLE			WETLAND LINE TABLE			WETLAND LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	69.81'	S14 36° 25'W	WL1	21.81'	N81 38° 46'E	WL50	46.79'	N17 05° 18'E
L2	71.75'	S32 26° 57'E	L23	32.24'	S81 25° 55'W	WL51	32.24'	N28 19° 01'E
L3	24.88'	S24 21° 21'W	WL23	22.11'	N81 48° 34'W	WL52	36.24'	N36 46° 28'W
L4	72.84'	S35 53' 44'E	WL24	58.88'	N36 32° 29'W	WL53	19.76'	N13 59° 55'S
L5	54.23'	S65 23° 21'E	WL25	76.88'	N24 51° 51'W	WL54	47.18'	S54 42° 02'E
L6	57.93'	N37 34° 20'E	WL26	68.61'	S80 51° 31'W	WL55	18.71'	S73 11° 11'E
L7	106.34'	S62 26° 58'S	WL27	58.29'	N10 30° 45'E	WL56	16.49'	S41 04° 05'E
L8	70.75'	S31 08° 08'W	WL28	75.15'	N11 58° 17'E	WL57	51.76'	N51 02° 32'E
L9	32.69'	S31 14° 41'W	WL29	57.15'	N6 08° 56'W	WL58	44.52'	N32 57° 27'W
L10	56.14'	S7 52° 57'E	WL30	82.05'	N1 38° 04'W	WL59	42.33'	S41 50° 18'E
L11	101.58'	S31 51° 08'W	WL31	60.00'	N4° 57° 00'E	WL60	25.30'	N35 01° 51'W
L12	25.83'	S18 18° 28'W	WL32	43.95'	N45 45° 52'W	WL61	70.1'	N83 42° 05'E
L13	7.87'	S77 11° 21'W	WL33	82.97'	N13 37° 49'E	WL62	2.981'	N31 13° 17'W
L14	145.59'	S47 43° 46'W	WL34	66.65'	N10 41° 48'E	WL63	34.85'	N15 15° 06'W
L15	175.00'	S56 09° 22'W	WL35	51.15'	N14 31° 52'E	WL64	3.642'	N81 03° 55'W
L16	30.17'	S45 13° 47'E	WL36	67.25'	N25 12° 15'E	WL65	5.082'	S3 53° 23'E
L17	70.44'	S45 13° 47'E	WL37	80.94'	N26 56° 36'E	WL66	54.31'	S61 25° 41'W
L18	76.92'	N51 11° 37'E	WL38	65.88'	N30 47° 21'E	WL67	33.24'	S22 39° 54'E
L19	25.28'	S34 57° 06'E	WL39	23.70'	N74 08° 40'E	WL68	6.065'	S28 33° 57'E
L20	67.05'	S15 57° 18'E	WL40	49.09'	N58 21° 51'E	WL69	41.56'	S31 01° 46'W
			WL41	51.95'	S65 24° 40'E	WL70	34.052'	N60 23° 51'W
			WL42	38.70'	N63 30° 27'E	WL71	48.119'	N50 58° 11'W
			WL43	29.57'	N17 34° 01'W	WL72	21.117'	N167 18° 12'W
			WL44	31.62'	N8 06° 32'E	WL73	48.82'	S8 59° 02'E
			WL45	61.71'	N21 36° 32'E	WL74	4.092'	S33 02° 07'E
			WL46	32.22'	N61 29° 00'E	WL75	57.29'	S48 30° 41'W
			WL47	22.29'	S62 26° 27'W	WL76	78.28'	S41 02° 49'W
			WL48	22.89'	S28 48° 44'E	WL77	6.444'	N2 42° 09'W
			WL49	46.45'	S78 06° 10'E	WL78	18.50'	N31 22° 27'W

[illegible]

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PROPERTY LINE TABLE			WETLAND LINE TABLE			WETLAND LINE TABLE		
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L1	69.81'	S14° 36' 25"W	WL21	21.81'	N07° 38' 46"E	WL50	46.79'	N17° 05' 18"E
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L3	24.88'	S24° 21' 21"W	WL23	22.11'	N81° 48' 34"W	WL52	36.24'	N36° 46' 28"W
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L5	54.23'	S65° 23' 21"E	WL25	76.88'	N24° 51' 51"W	WL54	47.18'	S54° 42' 20"E
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L8	70.75'	S31° 08' 08"W	WL28	57.15'	N11° 58' 17"E	WL57	51.76'	N51° 02' 32"E
L9	32.69'	S31° 14' 41"W	WL29	78.15'	N6° 08' 56"W	WL58	44.52'	N32° 57' 19"E
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			WL45	61.71'	N21° 36' 32"E	WL74	40.95'	S33° 02' 00"E
			WL46	32.29'	N61° 29' 00"E	WL75	57.29'	S48° 30' 41"W
			WL47	22.72'	S62° 26' 45"E	WL76	78.28'	S61° 02' 49"W
			WL48	22.89'	S27° 48' 44"E	WL77	64.44'	N3° 42' 09"W
			WL49	46.45'	S78° 06' 10"E	WL78	18.50'	N21° 27' 21"W

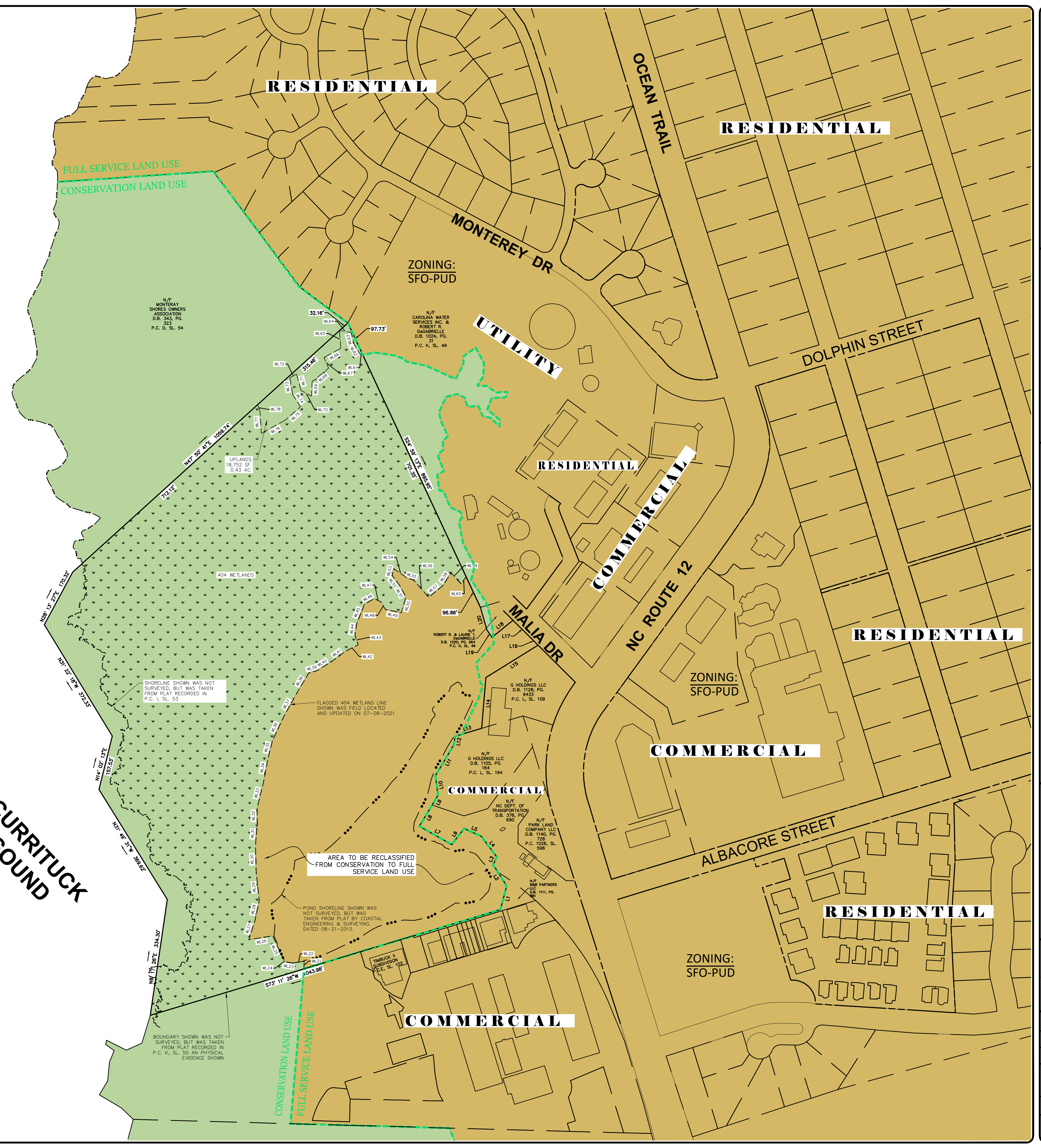


LEGEND	
	ROADWAY CENTERLINE
	RIGHT-OF-WAY
	PROPERTY BOUNDARY
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	EXISTING CONCRETE MONUMENT
	SET CONCRETE MONUMENT
	SET IRON ROD
	EXISTING IRON ROD
	EXISTING IRON PIPE
	SQUARE FEET
	ACRES

LAND USE LEGEND		
EXISTING CONSERVATION LAND USE		
EXISTING FULL SERVICE LAND USE		
EXISTING TRACT AREA	36.19 AC.	
PORTION OF TRACT AREA TO BE DESIGNATED FULL SERVICE LAND USE	12.22 AC.	
TRACT AREA TO REMAIN CONSERVATION LAND USE	23.57 AC.	
RESULTING TOTAL TRACT AREA TO BE DESIGNATED FULL SERVICE LAND USE	12.62 AC.	



CURRITUCK SOUND



Bissell Professional Group
3512 North Carolina Highway
P.O. Box 1088
Currituck County, Virginia 22521
(252) 281-3366
Fax (252) 281-1700

BISSELL
PROFESSIONAL GROUP

Engineers, Planners, Surveyors
and Environmental Specialists

PARCEL 10 - MONTEREY SHORES
P.U.D. REVISED LAND USE

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PROJECT: OUTER BANKS VENTURES, INC.
POPULAR BRANCH TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

LAND USE PLAN MAP AMENDMENT

NO.	DATE	DESCRIPTION	BY
1	8/23/21	REVIEW COMMENTS	KFW

DATE: 07/21/21 SCALE: 1" = 150'

DRAWN: BPG CHECKED: MSB

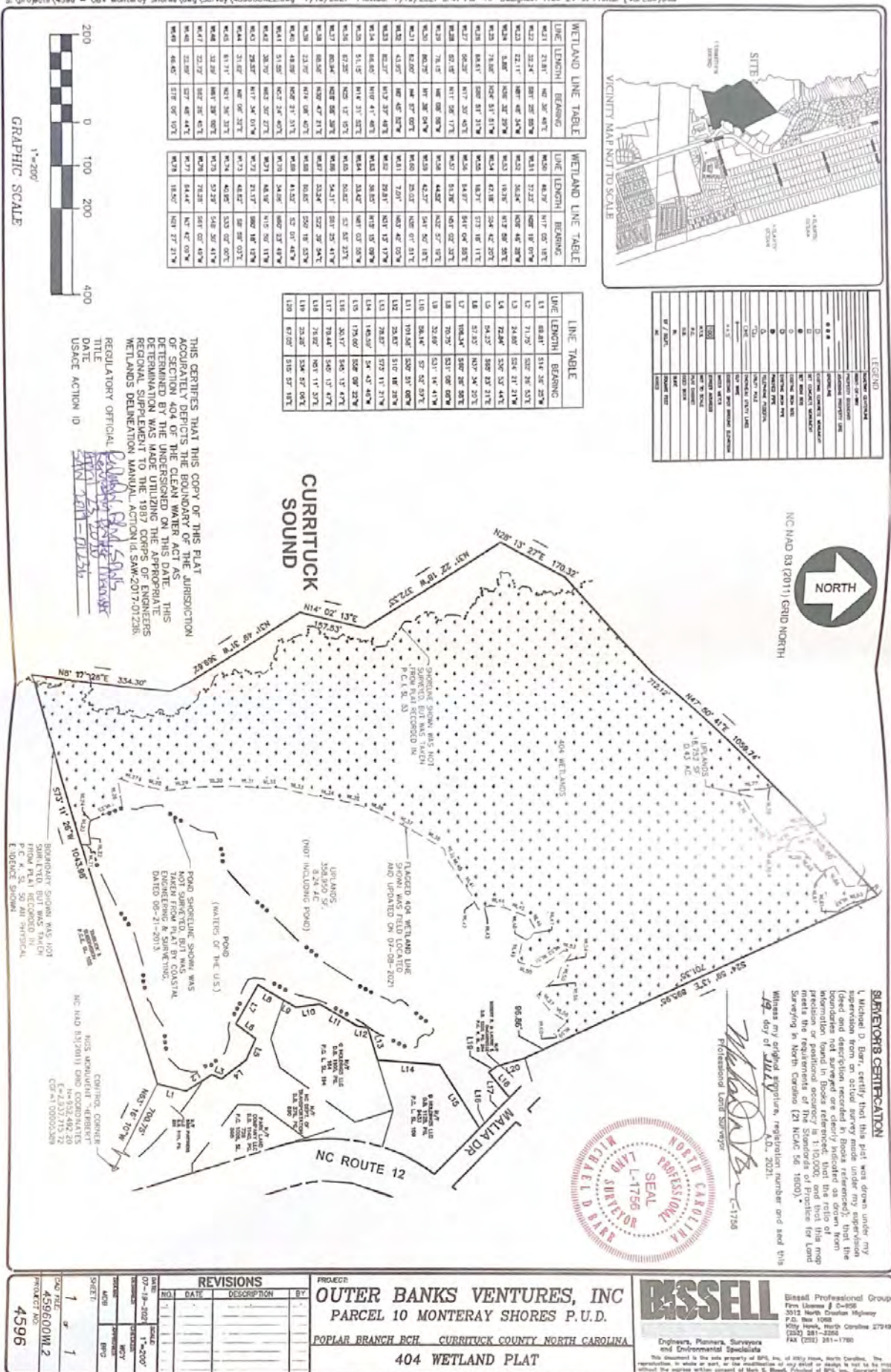
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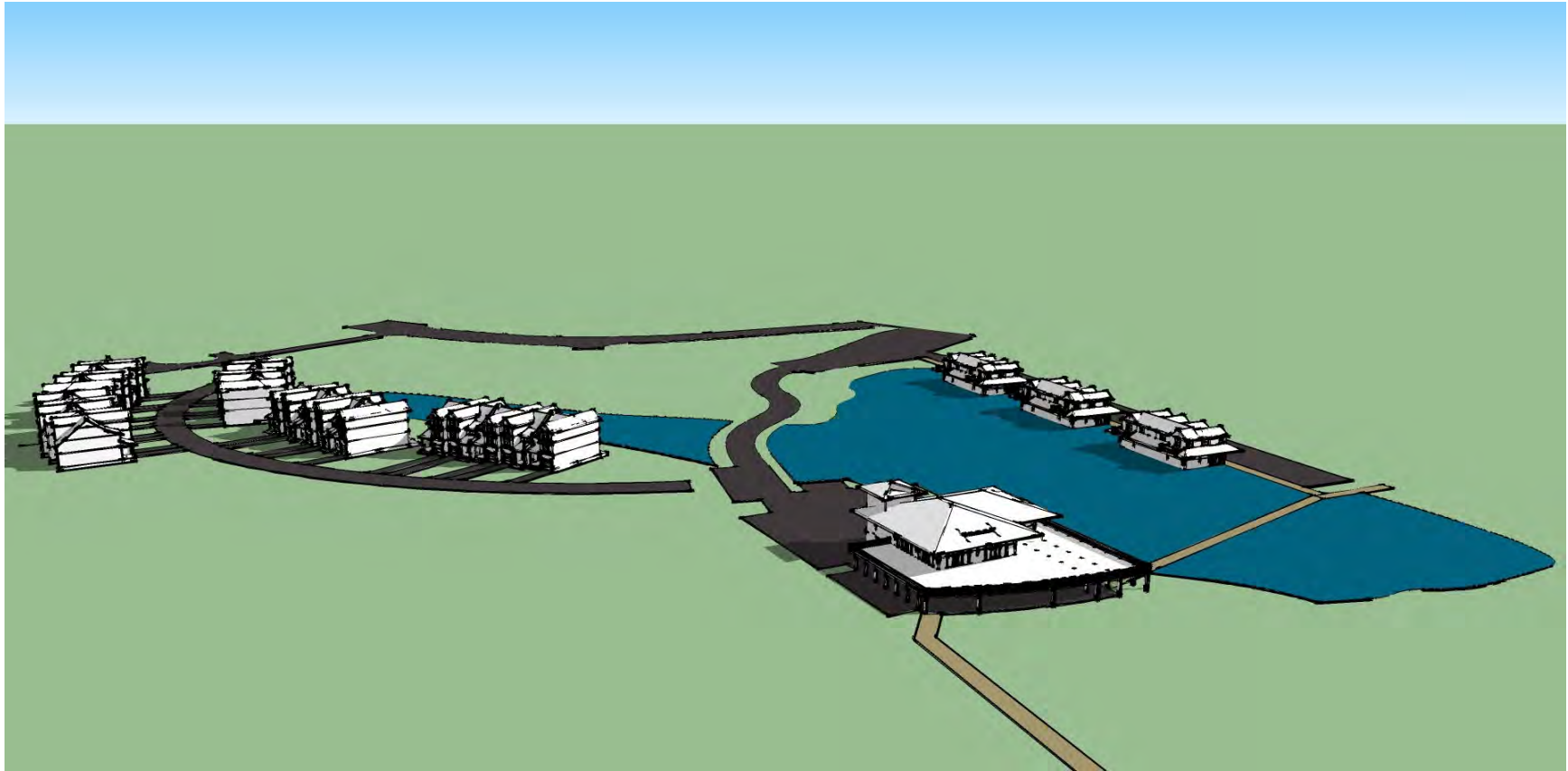
SHEET: 2 OF 2

CAD FILE: 459600LU1

PROJECT NO: 4596

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION





Sound Shore

May 27, 2021

cahoon+kasten

A R C H I T E C T S



Sound Shore

May 27, 2021

cahoon+kasten

A R C H I T E C T S

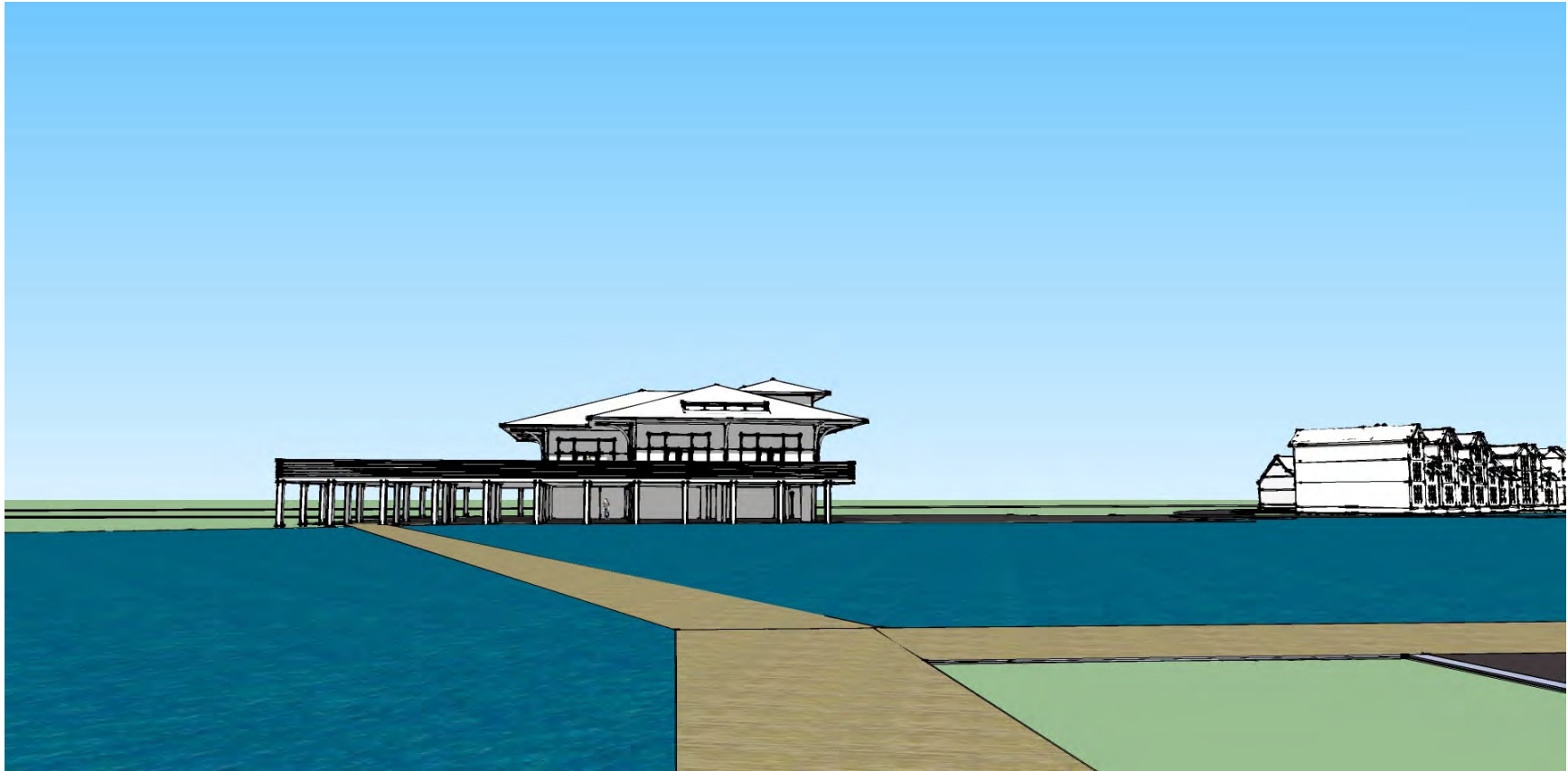


Sound Shore

May 27, 2021

cahoon+kasten

A R C H I T E C T S



Sound Shore

May 27, 2021

cahoon+kasten

A R C H I T E C T S

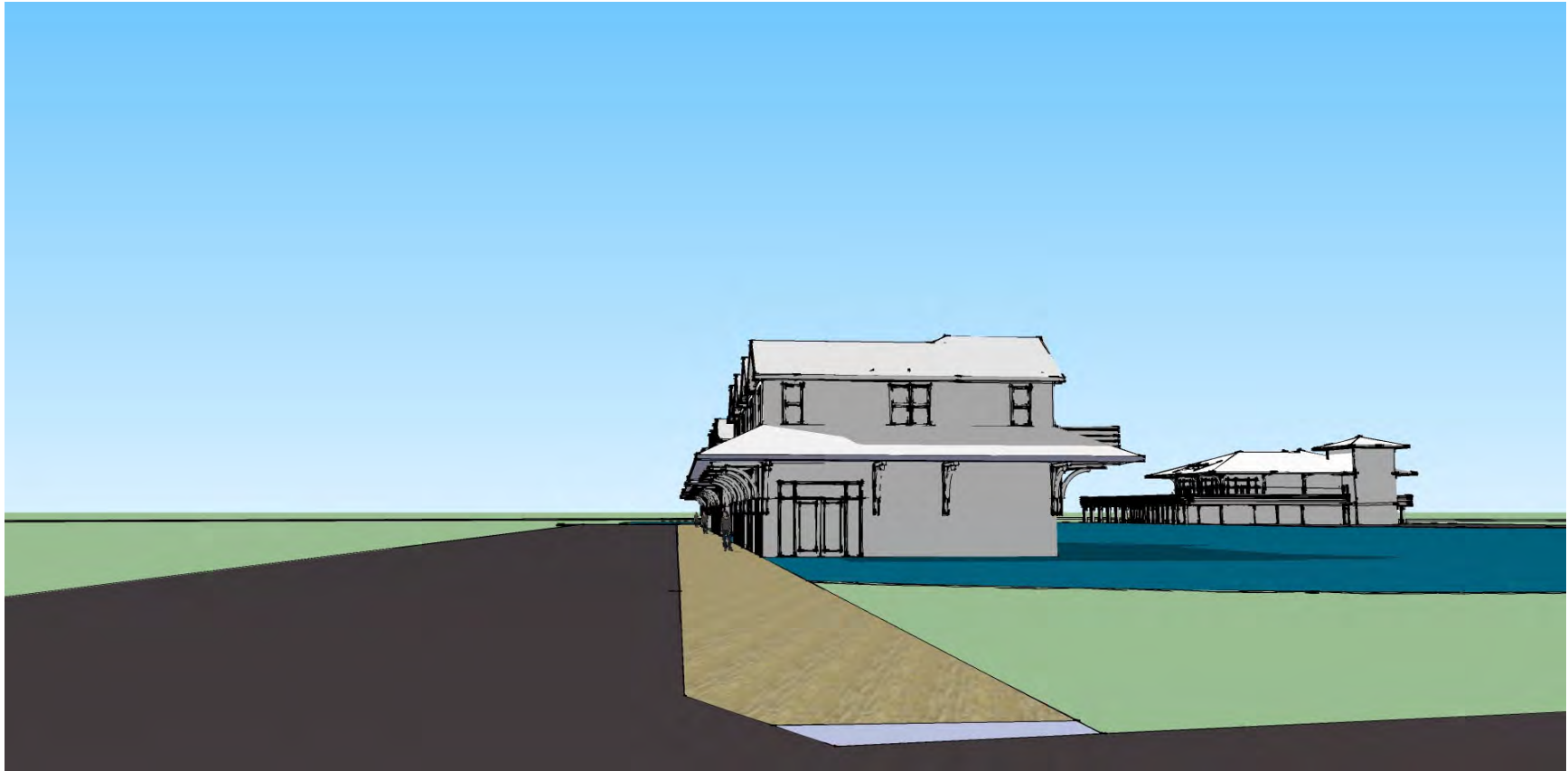


Sound Shore

May 27, 2021

cahoon+kasten

A R C H I T E C T S



Sound Shore

May 27, 2021

cahoon+kasten

A R C H I T E C T S



Land Use Plan Amendment Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:	Outer Banks Ventures, Inc.	PROPERTY OWNER:	
Name:		Name:	Same
Address:	PO Box 549 Corolla, NC 27927	Address:	
Telephone:	252-453-4198	Telephone:	
E-Mail Address:	rcwillis@outerbanksventures.com	E-Mail Address:	
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER:		Same	

Property Information

Physical Street Address: Malia Drive
Location: Corolla, NC 27927
Parcel Identification Number(s): 0116-000-0010-0000
Total Parcel(s) Acreage: 36 +/- **Zoning District:** SFO-PUD
Present Land Use: Vacant Lan
Current Land Use Plan designation: /Conservation and Full Service

Request (attach additional sheets as necessary)

- **Section of plan to be amended:** Future Land Use Map
- If the request is to amend the Future Land Use Map, please submit a plan showing:
 - General site survey showing lot/parcel dimension
 - Existing uses and structures
 - Zoning of site and surrounding area
 - Current and proposed future land use map designation including sub-area
 - Proposed boundaries of change
 - Location of existing streets that border parcel
- **Statements of Justification – provide sufficient information to explain and justify how the Land Use Plan Amendment request satisfies the following questions:**
 1. Will the proposed amendment support uses that are suitable in the view of the use and development of adjacent and nearby properties? Yes. The land that is proposed to be re-classified is adjacent to existing commercial development and to the Full Service Land classification along its entire southern and eastern boundaries. The land is located adjacent to and will become part of an existing commercial and mixed use hub in Corolla.

2. Will the proposed amendment adversely affect the existing use or usability of adjacent or nearby properties? No. Adjacent properties are commercial condominiums and a wastewater utility.
The amendment will provide for additional compatible commercial and mixed use development.
3. Will the proposed amendment support uses that could result in an excessive or burdensome use of existing public facilities such as streets, schools, transportation facilities, or utilities? No.
Existing streets will be looped through the development and will be able to accomodate traffic; no impacts on schools are anticipated; pedestrian connections will be made to enhance connectivity, and existing utilities have capacity to serve the site.
4. How does the proposed amendment conform to the recommendations of the Future Land Use Plan and any other applicable long range plans? The following policies are supported by this amendment:
(See Attachment)
5. Are there any existing or changing conditions affecting the use or development of the property which justifies either approval or disapproval of the request?
Yes. A new wetland map indicates that the portion of the site that is proposed for classification as full service is not wetlands and is suitable for development.
6. Is there a public need for additional land space to be classified to this request? There is a need in Corolla for additional restaurant, housing, entertainment and recreational opportunities
which can be made available as a result of the approval.
7. How does this request relate to the land suitability analysis found in the Land Use Plan? Are there factors that have changed since the suitability analysis was completed? The land is not a wetland, most of the land is not in a flood hazard area, it has not been classified as a storm-surge area, does have soils that are suitable for development, and is adjacent to existing water and sewer lines. The original analysis in the 2006 LUP appears to be a high-level analysis that did not focus on this particular land.
- Statement of how the Land Use Plan amendment otherwise advances public health, safety, and general welfare: The site is suitable for development in terms of soils, drainage, transportation, utilities, and compatibility with adjacent developments. Public health, safety, and welfare can be advanced through careful planning and design.

Community Meeting (Optional)

Date Meeting Held: _____ Meeting Location: _____

I hereby authorize county officials to enter my property for purposes of determining compliance. All information submitted and required as part of this process shall become public record.



 Property Owner(s)

 Date

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

Answer to Question #4, Continued:

- The Corolla Subarea states in part, “the policy emphasis of this plan it to allow for predominantly medium density residential development (2 to 3 units per acre)... An overall density of no more than 3 units per acre should also apply to PUD’s, the prevailing development form in the Corolla area.”
 - The property is within the developable part of an existing PUD.
- The full service use of this land will be in keeping with many policies of the Land Use Plan, some of which are:
 - Policy ES2 states “ NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the groundwater table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corp of Engineers in protecting such wetlands the section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.
 - The land that is being considered does not contain any wetlands.
 - Policy OB1 states “Currituck County supports the provision of infrastructure and services adequate to meet basic quality of life and public health and safety requirements of residents of the Outer Banks”.
 - The land is adjacent to and has access to adequate water and sewer facilities.
 - POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.
 - The development that is proposed will provide an opportunity for access to the sound.
 - POLICY PA2: The County supports MANY FORMS OF “ACCESS” to the water, including scenic outlooks and boardwalks, boat ramps, marinas and docks, fishing piers, canoe and kayak launches, and other means of access. Whenever possible, such facilities shall be designed to accommodate the needs of handicapped individuals.

- Development of the land is proposed to include boat docks.

- POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.
 - The site is environmentally suitable, has adequate sewage capacity and transportation facilities available, and is adjacent to existing urban development.

- POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 - OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
 - COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
 - The proposed development appears to support both of these development policies, except for the lack of a full service designation with regard to the 2nd policy, which this land should technically have based on the land suitability analysis.