



## CURRITUCK COUNTY NORTH CAROLINA

December 12, 2017  
Minutes – Regular Meeting of the Planning Board

### WORK SESSION

Planning Director, Laurie LoCicero held a work session at 6:00 PM in the conference room with staff and planning board members to review the items on tonight's agenda. The work session discussion concluded at 6:56 PM.

### CALL TO ORDER

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

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

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

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

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

#### B. Ask for Disqualifications

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

#### C. Announce Quorum Being Met

Chairman Bell announced a quorum being met with seven board members present.

**D. Approval of Agenda**

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

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

**APPROVAL OF MINUTES FOR NOVEMBER 14, 2017**

Chairman Bell asked if any changes were needed to the meeting minutes for November 14, 2017. With no changes noted, Mr. Whiteman motioned to approve the minutes as presented. Mr. O'Brien seconded the motion and the motion carried unanimously.

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

**E. PB Minutes November 14, 2017****OLD BUSINESS****A. PB 17-07 Ponderosa Enterprises, Inc:**

Assistant Planning Director, Donna Voliva presented the staff report. After the November Planning Board meeting, the planning staff met with David Sawyer, Ponderosa Enterprises, and discussed the conditional zoning process and procedures. Mr. Sawyer has decided to go forward with the original conventional zoning of his property. Ms. Voliva said staff is recommending denial of the conventional zoning since the request does not adequately address the compatibility elements and uses of the Maple-Barco Small area Plan and the 2006 Land Use Plan. A conditional zoning would address the compatibility elements and would have mutually agreed upon conditions with the county.

Board members asked Ms. Voliva questions concerning the applicants right to withdraw his rezoning request and the length of time the applicant would have to wait to resubmit his request if it is denied before he withdraws. Ms. Voliva stated he can withdraw if the legal notices have not been sent out. If Mr. Sawyer chooses to go forward with his request with the result of denial, he will have to wait one year to resubmit his application.

Mr. Sawyer came before the board and said he just wants to know what to do so he doesn't restrict the rest of the property that is already zoning General Business.

Mr. Whiteman said he believes in property rights and asked Ms. Voliva what is the negative factor in his request. Mr. Voliva said staff is generally supportive of the zoning, but the problem is with the site design.

Mr. Whiteman asked if a convenience store was out of the question if rezoned and Ms. Voliva said no.

Mr. Sawyer said if that did happen, he would make the appearance of the building to match the rest of the county buildings, such as brick, etc.

Mr. Whiteman asked Mr. Sawyer if a franchise wouldn't consider this parcel unless its rezoned already and Mr. Sawyer said yes.

Discussion was held on conditional zoning following the property lines according to the General Statutes and a survey not being done when the county rezoned part of the property to General Business. Ms. Voliva said the county would work with the applicant's surveyor to identify the lines.

Mr. Sawyer withdrew his application and will start a new application of conditional rezoning.

Chairman Bell announced no action is necessary by the board since the Applicant withdrew his request.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## **NEW BUSINESS**

### **A. Public Hearing & Action: PB 15-15 Countryside Estates:**

Assistant Planning Director, Donna Voliva presented the staff report. The property is zoned Conditional-MXR (C-MXR) and is under construction for a 62 lot residential subdivision. The BOC approved the conditional zoning on November 2, 2015 with four conditions. The property owner has requested amendments to the C-MXR district conditions that would remove Zoning Conditions 3 and 4 (farmland buffer) and modify the plan to reflect the removal of the farmland buffer located on the Currituck F & W Land Company property (southern), reduce the Type A buffer along the North Point property line from 25' to 20' and reflect the pedestrian circulation. These changes are requested since the Moyock Mega Site Master Plan (Currituck Station) that was adopted by the Board of Commissioners June 2017 would change conditions that require the farmland buffer. N/F Currituck F & W Land Company property is in active cultivation and the property owner has provided a written acknowledgement to remove the farmland buffer. Staff recommends approval.

Chairman Bell asked the board members if they had any question for Ms. Voliva.

Discussion was held concerning the Community Meeting on October 9, 2017. Ms. Voliva said the property owners in attendance were from North Point subdivision and were concerned about drainage and construction of the proposed subdivision and that the reduction in buffer along the property line was not a concern.

The applicant, Mr. Napolitano came before the board. Discussion was held on reducing the width of the Type A perimeter buffer along the North Point subdivision and the two options for the Type A perimeter buffer width. The applicant shall demonstrate that adequate area can be provided for the continued maintenance of the drainage ditch located along the northern property line and the installed buffer will maintain the 10' screening requirement (species description) with an increased width to 20' (total width). If Option 2 is used, the buffer area will be reduced but more plantings are required.

Board members agreed the 10' screening requirement would be better since the density would be greater. This would also be a higher cost since it requires more plantings.

Chairman Bell closed the public hearing and asked for a motion.

Mr. Craddock motioned to approve the request for conditional zoning modification by approving condition #1 Use: Subdivision of 62 residential lots containing a minimum of 20,000 square feet that will front on 50' public streets. All lots will be served by public water and sanitary sewage and condition #2 The development will be in conformance with the attached land plan for Countryside Estates and changing condition #3 to Type A Buffer along the northern property line (North Point boundary) to "shall be installed".

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

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 1/2/2018 6:00 PM</b>
<b>MOVER:</b>	Steven Craddock, Board Member	
<b>SECONDER:</b>	Fred Whiteman, Vice Chairman	
<b>AYES:</b>	Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member	
<b>ABSENT:</b>	J. Timothy Thomas, Board Member	

#### **B. Public Hearing & Action: PB 17-09 Mainstay Construction, Inc:**

Planner I, Jason Litteral presented the staff report. The applicant is requesting a conditional rezoning of 20.1 acres from Agriculture to Conditional- Single Family Mainland (C-SFM). The property is vacant of structures but does contain farmland and woodland. The conceptual plan shows a 13 lot subdivision with all 13 lots being 40,000 square feet in area or greater. The two parcels are within the boundaries of the Moyock Small Area Plan and are classified as Limited Service. Mr. Litteral stated the four conditions of the requested rezoning: Minimum building size of 1,800 square feet, wood frame construction only, farm animals are prohibited and individual mailboxes and individual roll out trash cans (The applicant is aware that cluster mailboxes may be required for this development).

Dylan Tillett, with Quible & Associates, P.C., came before the board. Mr. Tillett gave brief introduction of his request and explained they have submitted a waiver from the USPS for the mailbox requirement for cluster mailboxes.

Chairman Bell asked if board members had any questions and there were none.

Chairman Bell closed the public hearing and asked for a motion.

Mr. Ballance motioned to recommend approval of the conditional rezoning request with the approved conditions of: Minimum building size of 1,800 square feet, wood frame construction only, and farm animals are prohibited. Condition #4 was removed - Individual mailboxes and individual roll out trash cans

Mr. O'Brien seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 1/2/2018 6:00 PM</b>
<b>MOVER:</b>	C. Shay Ballance, Board Member	
<b>SECONDER:</b>	Jeff O'Brien, Board Member	
<b>AYES:</b>	Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member	
<b>ABSENT:</b>	J. Timothy Thomas, Board Member	

**C. Consideration & Action: PB 17-15 Currituck County: Currituck County requests to amend the Unified Development Ordinance to update Chapter 10: Definitions and Measurement, Subsection 10.3.6: Height, to clarify the size and placement of appurtenances including church spires, belfries, cupolas, and domes.**

Planner I, Jason Litteral presented the staff report for the Currituck County Text Amendment to to amend the Unified Development Ordinance to update Chapter 10: Definitions and Measurement, Subsection 10.3.6: Height, to clarify the size and placement of appurtenances including church spires, belfries, cupolas, and domes.

Chairman Bell asked the board members if they had questions for staff. Mr. O'Brien asked if there was a height requirement in addition to the placement and size of the appurtenances. Mr. Litteral said it was 200 feet according to the Unified Development Ordinance.

Discussion was held between staff and board members on the need for a lower height requirement.

Chairman Bell closed the public hearing and asked for a motion.

Mr. Craddock motioned to approve the text amendment with the suggested change of adding under E. 4) Total height of the appurtenance shall be no greater than 75 feet from the finished grade - due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development.

Mr. O'Brien seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 1/2/2018 6:00 PM</b>
<b>MOVER:</b>	Steven Craddock, Board Member	
<b>SECONDER:</b>	Jeff O'Brien, Board Member	
<b>AYES:</b>	Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member	
<b>ABSENT:</b>	J. Timothy Thomas, Board Member	

## ANNOUNCEMENTS

Chairman Bell announced this was her last meeting as Chair to the Planning Board and that her second term as a board member will expire at the end of December. Although she will not continue as the Chair, she will continue as a board member until she receives her replacement from the Board of Commissioners. She expressed her gratitude to staff members and board members for helping her throughout the years and said she will truly miss participating on the board.

Mr. Craddock expressed his gratitude for being a part of the Land Use Plan Steering Committee and said they have now completed their duties.

Mr. Whiteman announced is running for District 5 Board of Commissioner.

**ADJOURNMENT**

Chairman Bell adjourned the meeting at 8:25 PM.



**CURRITUCK COUNTY  
NORTH CAROLINA**

November 14, 2017  
Minutes – Regular Meeting of the Planning Board

**WORK SESSION**

A work session was held from 6:00 PM until 7:00 PM. Staff members briefed the Planning Board members on the agenda cases for tonight's meeting.

**CALL TO ORDER**

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

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

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

Everyone stood for the Pledge of Allegiance and a moment of silence.

**B. Announce Quorum Being Met**

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

**C. Approval of Agenda**

Chairman Bell asked if there were any changes to the agenda for tonight's meeting. No changes were noted. Mr. McColley motioned to approve the agenda as presented. Mr. O'Brien seconded

the motion and the motion carried unanimously.

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

#### **D. Ask for Disqualifications**

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

#### **APPROVAL OF MINUTES FOR AUGUST 8, 2017**

Chairman Bell asked if there were any changes needed to the meeting minutes for August 8, 2017. With no changes noted, Mr. O'Brien motioned to approve the minutes as presented. Mr. Ballance seconded the motion and the motion carried unanimously.

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

#### **E. PB Minutes August 8, 2017**

#### **OLD BUSINESS**

There was no old business discussed.

#### **NEW BUSINESS**

##### **A. PB 17-06 Miller Homes & Building LLC:**

Senior Planner, Tammy Glave presented the staff report. The applicant is requesting a conventional-rezoning from AG (Agricultural) to MXR (Mixed Residential). Since this is a rezoning to a standard zoning district and not a conditional district, no conditions can legally be placed on the property. Staff is concerned this could potentially be considered as illegal spot zoning. Based on the School of Government and General Statutes, Ms. Glave gave reasoning for the staff's concern. Ms. Glave reviewed the five factors in validity in approving a potential spot zoning as well as the review standards to consider when adopting or denying the proposed map amendment. Ms. Glave said staff recommends denial and gave several inconsistencies to support that decision.

Chairman Bell asked if the board members had any questions for Ms. Glave and there were none.

Applicant, Sam Miller from Moyock appeared before the board. He presented notes to the Planning Board and members of the staff which were prepared by him and his Engineer, Mark Bissell. Mr. Miller also passed out emails from the former Planning Director, Ben Woody, showing his support for the MXR zoning. Mr. Miller said no adjacent property owners showed up in opposition on two occasions of community

meetings. Mr. Bissell spoke on behalf of Mr. Miller saying MXR is intended to be a neighborhood serving district and the neighborhood will support this business. Mr. Miller passed out another paper showing zoning in the area.

Chairman Bell said not having conditions is bothersome.

Ms. Glave referenced Mr. Miller's comment that 85% of bakeries fail and asked Mr. Miller if he would put houses on the parcel in that situation. Mr. Miller said he has not considered putting houses on the property, but if that were to happen, all other surrounding property is zoned General Business and can do anything they want.

Mr. McColley said you purchased this property with eyes wide open knowing what it was zoned. Mr. McColley asked Mr. Miller's reasoning to not zone GB (General Business). Mr. Miller said he needs the flexibility to build a house if the business fails and said he should not be restricted.

Mr. Ballance asked Mr. Miller if he would be willing to put a condition to only build two houses on the property. Mr. Miller said he would agree to that condition. Ms. Glave said Mr. Miller would have to resubmit his application to change to Conditional Zoning.

Mr. O'Brien said he had a problem with the density increase and asked Mr. Miller if he would eliminate multi-family. Mr. Miller said he wanted to use this time to get the Planning Board's feelings on what would be allowed and gave his word to resubmit as Conditional Zoning with the conditions that are discussed tonight.

Mr. Ballance said he didn't have a problem with the possibility of three residential lots on the parcel.

Chairman Bell closed the public hearing.

Mr. McColley motioned to recommend denial as presented since it conflicts with General Statutes legal zoning. Mr. Thomas seconded the motion and the motion carried with a 3-2 vote, Mr. Ballance and Mr. O'Brien with nay votes.

<b>RESULT:</b>	<b>RECOMMENDED DENIAL [3 TO 2]</b>	<b>Next: 12/4/2017 6:00 PM</b>
<b>AYES:</b>	Carol Bell, Chairman, John McColley, Board Member, J. Timothy Thomas, Board Member	
<b>NAYS:</b>	C. Shay Ballance, Board Member, Jeff O'Brien, Board Member	
<b>ABSENT:</b>	Fred Whiteman, Vice Chairman, Steven Craddock, Board Member, Jane Overstreet, Board Member	

#### **B. PB 17-07 Ponderosa Enterprises, Inc:**

Senior Planner, Donna Voliva presented the staff report. Ms. Voliva said the proposed rezoning of approximately 12+- acres from AG (Agricultural) to GB (General Business) is presented to the board as a conventional zoning map amendment. The 41.35 acre property is currently zoned GB and AG. The existing mobile home park and the self-storage uses are located in the portion of the property zoned GB and the pasture use is located in the area zoned AG (area of the request). The applicant is seeking the rezoning to eliminate the split

zoning district on the property. According to the applicant, a community meeting was held at Ponderosa Enterprises, Inc. on June 13, 2017 with no one in attendance. Ms. Voliva referenced the Maple/Barco Small Area Plan and the 2006 Land Use Plan. Ms. Voliva said the plans have compatibility conditions and these are of concern to staff with a conventional rezoning without conditions or a specific plan from Mr. Sawyer. Staff would like to work with the applicant towards a conditional rezoning application.

Chairman Bell asked if any board member had questions for staff. Mr. O'Brien asked if Mr. Sawyer would have to re-apply once he has a plan in place and Ms. Voliva said he would have to re-apply.

Mr. Sawyer from Barco came before the board. He said he has owned the property since 1973 and is requesting the rezoning since there should be some between the citizens and the county. He said he lives on the property so whatever we put on the property will affect us as well. Also, two-thirds of the property is already zoning GB.

Mr. Ballance asked if property is zoned GB and after business is planned does it return to the board for approval. Ms. Voliva said it would come back to the board as a Site Plan or a Use Permit.

Mr. McColley asked Mr. Sawyer if he would be willing to work with the county to come up with a cohesive plan that works on both sides of the road. Mr. Sawyer said he is willing to work with the county.

Mr. Ballance said if we went ahead with the zoning, wouldn't the conditions be addressed in a Site Plan and Ms. Voliva said some would be addressed, but not all.

Chairman Bell closed the public hearing and made a motion to table the applicant's request. Mr. O'Brien seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 12/12/2017 7:00 PM</b>
<b>AYES:</b>	Carol Bell, Chairman, C. Shay Ballance, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, J. Timothy Thomas, Board Member	
<b>ABSENT:</b>	Fred Whiteman, Vice Chairman, Steven Craddock, Board Member, Jane Overstreet, Board Member	

### C. PB 17-08 Connect Currituck Pedestrian Master Plan:

Planning and Community Development Director, Laurie LoCicero presented the Connect Currituck Pedestrian Master Plan. Mr. LoCicero said the plan would serve as a guiding document and blueprint for implementation and funding of pedestrian facilities in the county. Ms. LoCicero said she and Tammy Glave have been working on the plan since April 2017 and we would like to get this to the Board of Commissioners as soon as possible. The plan is waiting on final approval from NCDOT after a few minor revisions.

Chairman Bell asked about the cost of the project and Ms. LoCicero said approximately \$18,000 with 30 percent of that funded by Currituck County and 70 percent funded by NCDOT. Ms. LoCicero said this plan will be a NCDOT approved plan which will allow us to get sidewalks and pedestrian crossings they are doing work in the county.

Chairman Bell asked for a motion. Mr. O'Brien motioned to approve the Connect Currituck Pedestrian Master Plan, Mr. McColley seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 1/2/2018 6:00 PM</b>
<b>AYES:</b>	Carol Bell, Chairman, C. Shay Ballance, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, J. Timothy Thomas, Board Member	
<b>ABSENT:</b>	Fred Whiteman, Vice Chairman, Steven Craddock, Board Member, Jane Overstreet, Board Member	

#### **D. PB 17-10 Currituck County Text Amendment:**

Planner I, Jason Litteral presented the staff report for the text amendment submitted by the Currituck County Planning and Community Development Department intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO) as it relates to parking of up to two vehicles and one trailer in the Single Family Remote (SFR) zoning district on lots where no principal use has been established and revisions to the definition of *Addition*.

Ms. LoCicero clarified to the board that parking is an accessory use in the four wheel drive area.

Chairman Bell asked if any board members had questions. With no questions noted, Chairman Bell asked for a motion. Mr. McColley motioned to recommend conditional approval by changing "one trailer" to "one boat trailer". Mr. O'Brien seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 12/4/2017 6:00 PM</b>
<b>AYES:</b>	Carol Bell, Chairman, C. Shay Ballance, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, J. Timothy Thomas, Board Member	
<b>ABSENT:</b>	Fred Whiteman, Vice Chairman, Steven Craddock, Board Member, Jane Overstreet, Board Member	

#### **E. PB 17-11 Currituck County:**

#### **ANNOUNCEMENTS**

Ms. LoCicero thanked the board members and staff for coming to the Land Use Plan Work Session held on November 2nd.

#### **ADJOURNMENT**

Chairman Bell adjourned the meeting at 10:04 PM.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – 2032**

**Agenda Item Title:** PB 17-07 Ponderosa Enterprises, Inc:

**Submitted By:** Donna Voliva – Planning & Community Development

**Item Type:**

**Presenter of Item:** Donna Voliva

**Board Action:** Action

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

Request for a zoning map amendment to rezone approximately 12 acres from AG (Agricultural) to GB (General Business) conventional zoning district of property located on Shortcut Road adjacent to Ponderosa Mobile Home Park, Tax Map 52, Parcel 22A, Crawford Township.

**Planning Board Recommendation:**

**Staff Recommendation:**

**TRC Recommendation:**



**STAFF REPORT  
PB 17-07 PONDEROSA  
ENTERPRISES, INC.  
PLANNING BOARD  
DECEMBER 12, 2017**

### APPLICATION SUMMARY

<b>Property Owner:</b> Ponderosa Enterprises, Inc. 613 Shortcut Road Barco, NC 27917	<b>Applicant:</b> Ponderosa Enterprises, Inc. 613 Shortcut Road Barco, NC 27917
<b>Case Number:</b> PB 17-07	<b>Application Type:</b> Zoning Map Amendment
<b>Parcel Identification Number:</b> 0052000022A0000	<b>Existing Use:</b> Mobile Home Park, Self-Storage, and Agricultural
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 41.35 (entire parcel)
<b>Maple/Barco SAP Classification:</b> EII - Employment	<b>Airport Compatibility Use Zone:</b> 1, 2, and 3
<b>Zoning History:</b> A-40 (1974); A (1989)	<b>Plan Request:</b> N/A – Conventional Rezoning
<b>Current Zoning:</b> GB and AG with Airport Overlay District (AO)	<b>Proposed Zoning:</b> GB

### SURROUNDING PARCELS

	<b>Land Use</b>	<b>Zoning</b>
North	Airport/Maple Campus	HI/GB
South	Woodland/Cultivated Farmland	HI
East	Cultivated Farmland	AG
West	Cultivated Farmland/Woodland	HI

### STAFF ANALYSIS

#### REQUEST

The proposed rezoning of approximately 12+- acres from AG to GB is presented to the board as a conventional zoning map amendment. The 41.35 acre property is currently zoned GB and AG. The existing mobile home park and the self-storage uses are located in the portion of the property zoned GB and the pasture use is located in the area zoned AG (area of the request). The applicant is seeking the rezoning to eliminate the split zoning district on the property. According to the applicant, a community meeting was held at Ponderosa Enterprises, Inc. on June 13, 2017 with no one in attendance.

#### 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. Conditional zoning district applications may not contain bifurcated zoning districts where only a portion of the property is subject to a conditional zoning classification.

The area of the request is also located within the Airport Overlay District (AO) and Compatibility Use Zones 1, 2, and 3.

- Compatible Use Zone 1 limits uses to single-family detached dwellings, aviation related uses, nonresidential uses, nonresidential uses that do not exceed an occupancy of ten people per acre, or conservation.
- Compatible Use Zone 2 limits uses to single-family detached dwellings, agricultural, agriculture support and services uses, nonresidential uses that do not exceed an occupancy of 40 people per acre, or conservation.
- Compatible Use Zone 3 limits uses to those permitted in the base zoning district.

The ability to increase residential density with the GB zoning district is limited by Airport Overlay District (AO) that will remain on the property.

#### 2006 Land Use Plan

The proposed rezoning to GB does not appear to be in direct conflict with the Full Service designation identified in the 2006 LUP. Since a new use or redevelopment plans are not being considered at this time, there are potential compatibility policies that cannot be addressed through conventional zoning districts. Conversely, approximately 29+- acres of the parcel, zoned GB, with similar compatibility concerns exist on the remaining acreage of the property if rezoned.

Without agreed upon assurances applied through conditional zoning districts demonstrating general land uses and site features, it is difficult to determine consistency with the policies identified in the plans approved by the county such as LUP Policy CD2, CD4, CD9, ED1, and ED4.

#### The Maple-Barco Small Area Plan

The proposed rezoning to GB also does not appear to be in direct conflict with the Employment land use designation. However, the absence of a new use or redevelopment plans at this time makes it difficult to determine consistency with the MBSAP. The Future Land Use Map identifies the property as Employment, which anticipates land uses that will generate economic activity or job growth. The MBSAP suggests areas should be encouraged to develop in mixed use or campus like settings with generous, linked open space to maximize value, promote visual quality, and encourage pedestrian activity between employment areas and areas of supporting uses such as retail, restaurants, and residential. Without intended development plans it is difficult to determine consistency with plans approved by the county. The policies that are relative to development plans including site design are LU9 and TR4.

### REVIEW STANDARDS

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

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this ordinance;
  - The proposed GB zoning district does not appear to be in direct conflict with the 2006 Land Use Plan. Generally, the GB zoning is consistent with the following policies in the Land Use Plan:
    - 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.

Appropriate designed, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.

- The request does not provide adequate information to determine compliance with the following policies of the 2006 LUP:
  - POLICY CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED –USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.
  - POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.
  - POLICY CD9: Business shall be encouraged to coordinate their SITE DESIGNS with other nearby businesses. Design factors should include, at a minimum, shared or connected parking and access, convenient pedestrian and vehicular movement, and consistent sign standards.
  - POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
- It is generally consistent with the following policy in the Maple-Barco Small Area Plan:
  - LU4: Encourage and allow small, locally owned businesses to locate in the area.
- The request does not provide adequate information to determine compliance with the following policies in the Maple-Barco Small Area Plan:
  - LU9: Evaluate development proposals using the future land use map and policies for the Maple-Barco study area to determine the desired density, character of growth, and level of services appropriate for the study area.
  - TR4: Integrate infrastructure into new developments that promote multimodal transportation interconnecting employment centers, businesses, and neighborhoods.
- Is in conflict with any provision of this ordinance, or the County Code of Ordinances;
  - Staff is not aware of any conflicts with the ordinance or the Code of Ordinances.
- Is required by changed conditions;
  - Staff is not aware of changed conditions that warrant the rezoning.
- Addresses a demonstrated community need;
  - Staff is not aware of a demonstrated community need for the rezoning.
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
  - The request, an extension of the GB zoning district, generally is an appropriate zoning district that would allow for the same uses on the remaining acreage of the property owned by the applicant.
- Adversely impacts nearby lands.

- It is staff's opinion that this rezoning will not adversely impact nearby lands because it is an expansion of the GB zoning district on the same property owned by the applicant.
- Would result in a logical and orderly development pattern;
  - It is staff's opinion that the rezoning could result in a logical and orderly development pattern provided compatibility issues are adequately addressed during the site plan process.
- Would result in significant adverse impacts on the natural environment – including, but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
  - Staff is not aware of any adverse impacts on the natural environment because of the proposed rezoning.
- Would result in development that is adequately served by public facilities;
  - No development plans are proposed. Based on the Airport Overlay District requirements of the UDO that would limit the occupancy of the property, there are adequate public facilities to serve this development.
- Would not result in significantly adverse impacts on the land values in the surrounding area; and,
  - It is staff's opinion that the expansion of the GB zoning district will not result in significantly adverse impacts on the land values in the surrounding area.
- Would not conflict with the public interest and is in harmony with the purposes and intent of this ordinance.
  - It is difficult for conventional zoning districts to adequately address the goals, objectives, and plans adopted by the county. However, given the fact that more than two-thirds of the property contains the GB zoning district, an extension of the zoning line to encompass the entire lot that is identified as Employment in the MBSAP offers this request to be in general harmony with the purpose and intent of this ordinance.

## RECOMMENDATIONS

### STAFF

The 2006 Land Use Plan and the Maple-Barco Small Area Plan generally support the proposed zoning map amendment to GB. However, both plans further describe business generating uses and compatibility through site design that will prevent strip development and incorporate access controls, pedestrian circulation, signage, buffers, and scale of development. It is staff's opinion that the applicant's request does not adequately address the compatibility elements and uses of the MBSAP and the 2006 LUP which could be better addressed through a conditional zoning district. Conditional zoning districts require the landowner to initiate the application and develop mutually agreed upon conditions with the county.

After the November Planning Board meeting, the planning staff met with David Sawyer, Ponderosa Enterprises, and discussed the conditional zoning process and procedures. In order to process a conditional zoning on the property, the request must include the entire property (including the mobile home park and self-storage facility), or the owner must subdivide the property in order to place the conditional zoning on a portion of the property created by the subdivision. The Ponderosa Enterprises' members are concerned by further restricting their property already zoned GB since they do not have an intended purchaser or leasee at this time. Upon further consideration, Ponderosa Enterprises is requesting board consideration of their conventional zoning map amendment.

In absence of the agreed upon assurances that could address the compatibility elements of the MBSAP and the 2006 LUP, staff recommends denial of the conventional zoning map amendment

since the request is not consistent MBSAP policies LU9 and TR4 and the 2006 LUP policies CD2, CD4, CD9, and ED1. It is not reasonable and in the public interest because the application does not adequately address site design in a method that will prevent strip development and incorporate access controls, pedestrian circulation, signage, buffers, and scale of the development through a conceptual plan and design features of neighborhood serving commercial uses consistent with the AO overlay district and the compatibility use zones.

## CONSISTENCY AND REASONABLENESS STATEMENT

The conditional zoning request is not consistent with the 2006 Land Use Plan because:

- The request does not provide adequate information to determine compliance with the following policies of the 2006 LUP:
  - POLICY CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED –USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.
  - POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.
  - POLICY CD9: Business shall be encouraged to coordinate their SITE DESIGNS with other nearby businesses. Design factors should include, at a minimum, shared or connected parking and access, convenient pedestrian and vehicular movement, and consistent sign standards.
  - POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

The conditional rezoning request is not consistent with the Maple-Barco Small Area Plan because:

- The request does not provide adequate information to determine compliance with the following policies in the Maple-Barco Small Area Plan:
  - LU9: Evaluate development proposals using the future land use map and policies for the Maple-Barco study area to determine the desired density, character of growth, and level of services appropriate for the study area.
  - TR4: Integrate infrastructure into new developments that promote multimodal transportation interconnecting employment centers, businesses, and neighborhoods.

The request is not reasonable and in the public interest because:

- The application does not adequately address site design in a method that will prevent strip development and incorporate access controls, pedestrian circulation, signage, buffers, and scale of the development through a conceptual plan and design features of neighborhood serving commercial uses consistent with the AO overlay district and the compatibility use zones

However, if the board determines that compatibility can adequately be addressed through the site plan review process, staff recommends the following statement of consistency and reasonableness:

1. It is consistent with the 2006 LUP Policy CD1 based on the fact that more than two-thirds of the property is located in the GB zoning district. The property is also located in the Full Service land use classification of the 2006 LUP and the Employment land use classification of the MBSAP
2. It is reasonable and in the public interest based on the fact that the zoning map amendment is an expansion of the GB district and is located across HWY 158 from the Maple Campus that could offer Employment opportunities.

## PLANNING BOARD

Planning Board Meeting – November 14, 2017

Chairman Bell closed the public hearing and made a motion to table the applicant's request. Mr. O'Brien seconded the motion and the motion carried unanimously.

**RESULT: TABLED [UNANIMOUS] Next: 12/12/2017 7:00 PM**

**AYES:** Carol Bell, Chairman, C. Shay Ballance, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, J. Timothy Thomas, Board Member

**ABSENT:** Fred Whiteman, Vice Chairman, Steven Craddock, Board Member, Jane Overstreet, Board Member

Senior Planner, Donna Voliva presented the staff report. Ms. Voliva said the proposed rezoning of approximately 12+/- acres from AG (Agricultural) to GB (General Business) is presented to the board as a conventional zoning map amendment. The 41.35 acre property is currently zoned GB and AG. The existing mobile home park and the self-storage uses are located in the portion of the property zoned GB and the pasture use is located in the area zoned AG (area of the request). The applicant is seeking the rezoning to eliminate the split zoning district on the property. According to the applicant, a community meeting was held at Ponderosa Enterprises, Inc. on June 13, 2017 with no one in attendance. Ms. Voliva referenced the Maple/Barco Small Area Plan and the 2006 Land Use Plan. Ms. Voliva said the plans have compatibility conditions and these are of concern to staff with a conventional rezoning without conditions or a specific plan from Mr. Sawyer. Staff would like to work with the applicant towards a conditional rezoning application.

Chairman Bell asked if any board member had questions for staff. Mr. O'Brien asked if Mr. Sawyer would have to re-apply once he has a plan in place and Ms. Voliva said he would have to re-apply. Mr. Sawyer from Barco came before the board. He said he has owned the property since 1973 and is requesting the rezoning since there should be some between the citizens and the county. He said he lives on the property so whatever we put on the property will affect us as well. Also, two-thirds of the property is already zoning GB.

Mr. Ballance asked if property is zoned GB and after business is planned does it return to the board for approval. Ms. Voliva said it would come back to the board as a Site Plan or a Use Permit.

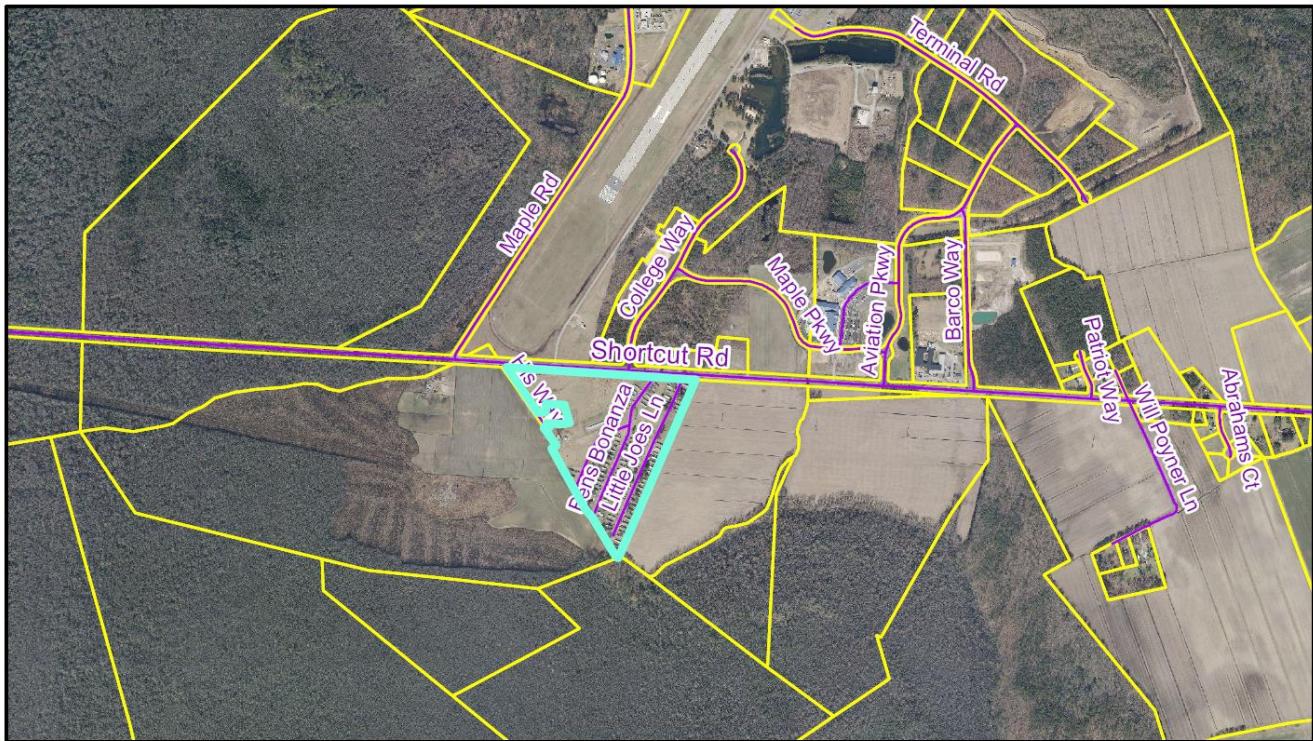
Mr. McColley asked Mr. Sawyer if he would be willing to work with the county to come up with a cohesive plan that works on both sides of the road. Mr. Sawyer said he is willing to work with the county.

Mr. Ballance said if we went ahead with the zoning, wouldn't the conditions be addressed in a Site Plan and Ms. Voliva said some would be addressed, but not all.

Chairman Bell closed the public hearing and made a motion to table the applicant's request.

Mr. O'Brien seconded the motion and the motion carried unanimously.

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



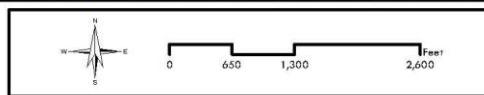
PB 17-07  
PONDEROSA ENTERPRISES, INC.  
Aerial Map



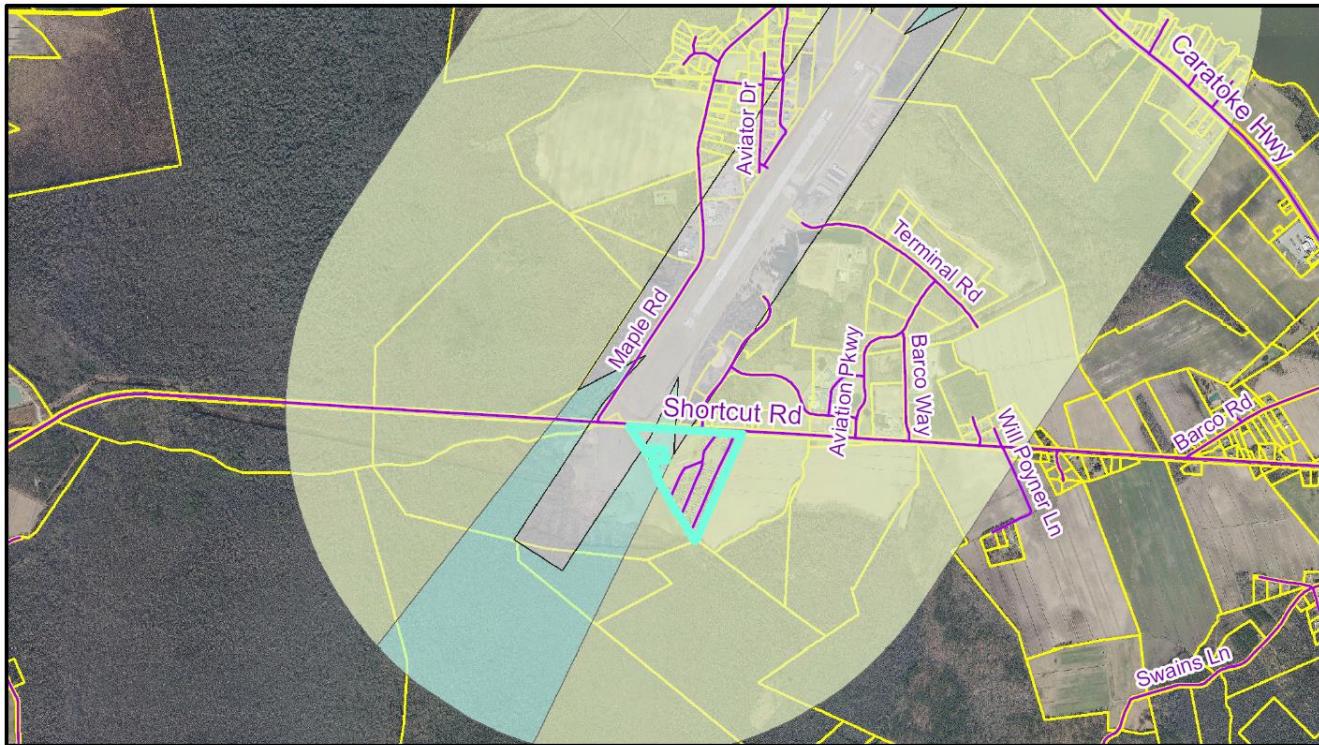
Currituck  
County  
Planning and Community  
Development



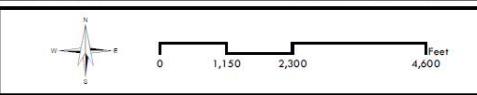
PB 17-07  
PONDEROSA ENTERPRISES, INC.  
Zoning Map



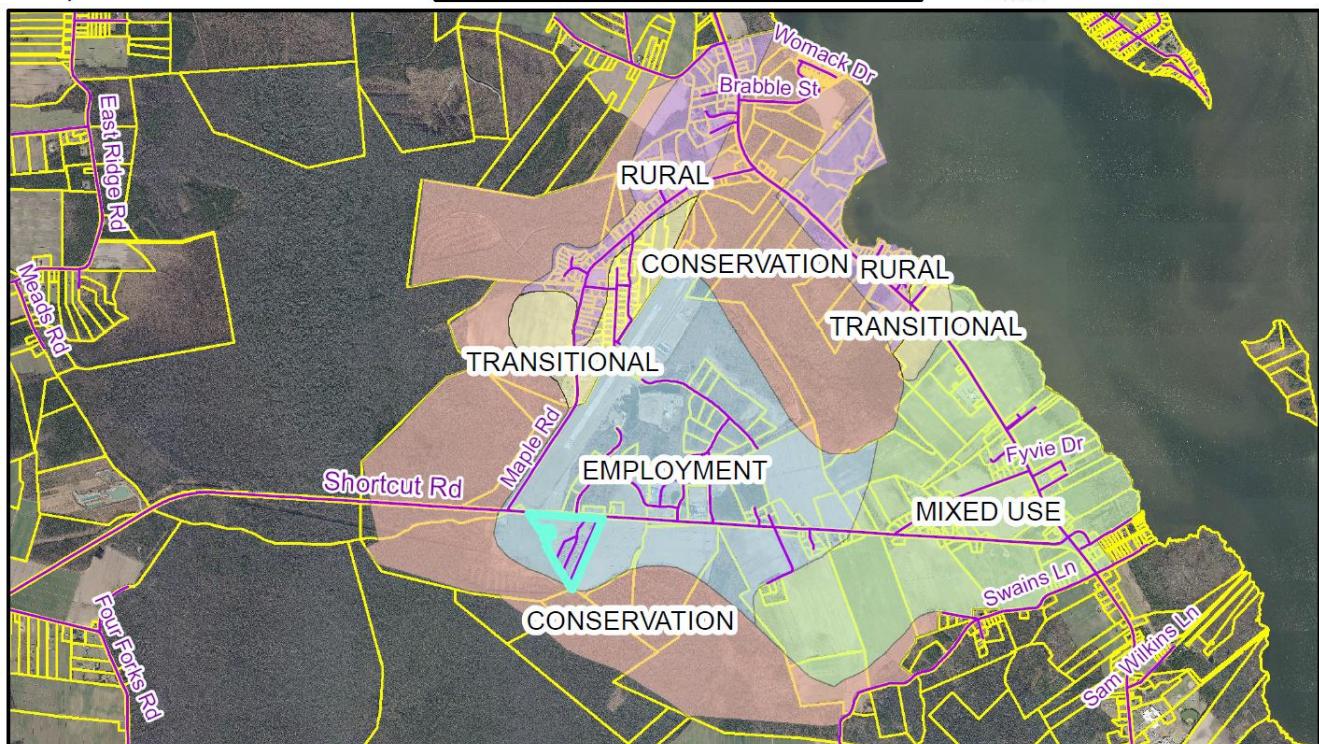
Currituck  
County  
Planning and Community  
Development



PB 17-07  
PONDEROSA ENTERPRISES, INC.  
Compatible Use Zones



Currituck County  
Planning and Community  
Development



PB 17-07  
PONDEROSA ENTERPRISES, INC.  
Maple-Barco Small Area Plan



Currituck County  
Planning and Community  
Development

Ponderosa Enterprises, Inc.

613 Shortcut Road

Barco, NC 27917

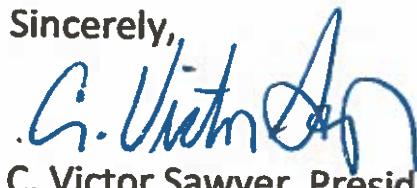
August 30, 2017

Ref. Rezoning request for part of parcel 0052000022A0000

To Whom It Concerns:

The request for rezoning the parcel in question is from agriculture to general business. The majority of this parcel is already zoned general business and Ponderosa Enterprises is requesting the remaining 10 to 12 acres be rezoned. All properties surrounding the subject property are zoned general business or manufacturing. We have contacted the adjacent property owners and held the required community meeting. We look forward in working with the Planning and Zoning staff in completing this task. David Sawyer will be the contact person and we invite you to call David at 202-4661 if you have any questions.

Sincerely,



C. Victor Sawyer

C. Victor Sawyer, President



## Zoning Map Amendment Application

OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Gate Keeper: \_\_\_\_\_

Amount Paid: \_\_\_\_\_

### Contact Information

## APPLICANT:

Name:

PONDEROSA ENTERPRISES, INC.

Address:

613 Shortcut Rd  
Barco NC 27917

Telephone:

252-202-4661

E-Mail Address:

david.s.smyer@realty.com

## PROPERTY OWNER:

Name:

Same

Address:

/

Telephone:

/

E-Mail Address:

/

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: \_\_\_\_\_

### Property Information

Physical Street Address: Acreage between His Way and Ben's Bonanza

Location: Hwy US 158 Across from Airport property (College Way)

Parcel Identification Number(s): 00520000 2240000

Total Parcel(s) Acreage: 40 - Approx. 12 to be rezoned

Existing Land Use of Property: Agriculture

### Request

Current Zoning of Property: Agriculture

Proposed Zoning District: General Business

Total Acreage for Rezoning: Approx 12

Are you rezoning the entire parcel(s): Yes/No

Metes and Bounds Description Provided: Yes/No

### Community Meeting, if Applicable

Date Meeting Held: June 13<sup>th</sup> 2017 Meeting Location: Ponderosa Ent. Office

613 Shortcut Rd

Barco NC 27917

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.

A handwritten signature in black ink that reads "David S. Smyer for Ponderosa Ent. Inc.".

8/31/17

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.

July 24, 2017

### Summary of Community Meeting

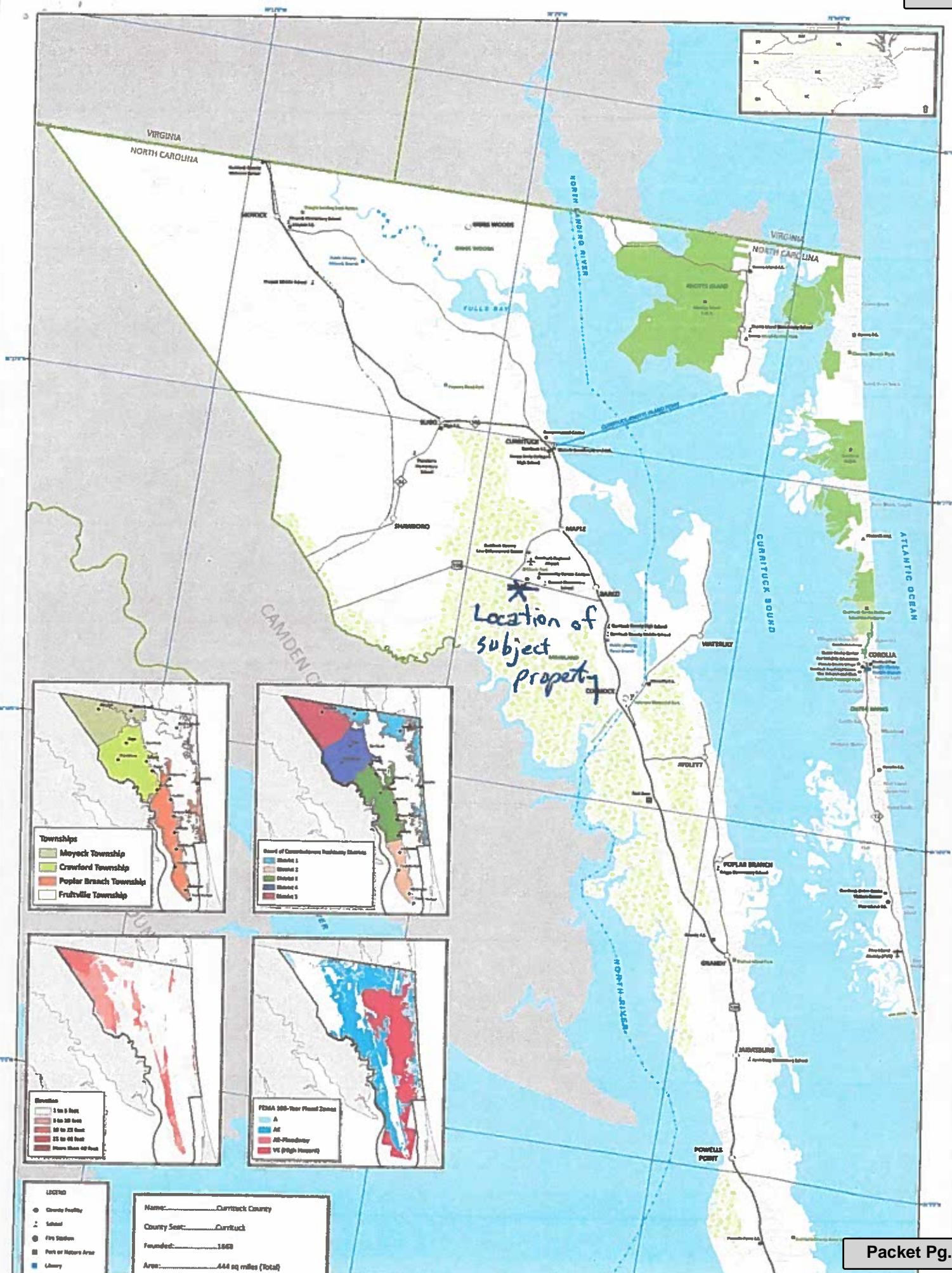
The community meeting was held at the office of Ponderosa Enterprises, Inc. at 6:30 pm on Tuesday June 13th to discuss any concerns to the re-zoning request. David Sawyer waited until 6:50 pm and then left as no one showed up for the meeting.

Let it be noted that Joe Etheridge contacted David by phone prior to the meeting and informed David he would not be in attendance. He asked David what the meeting was about and upon explanation of the re-zoning request Joe stated he was in no way opposed to the request.

Respectfully Submitted by:



David Kim Sawyer



N

NOW OR FORMERLY  
ENTERIDGE PROPERTY  
D.B. 125, PAGE 496

1,801,085 sq.ft.  
41.35 acres  
COORDINATE METHOD

Ponderosa  
Mobile Home  
Park

Area  
Rezoning Requested

NOW OR FORMERLY  
DAVID K. SAWYER  
P.C. G. SLIDE 309

L1  
N22°18'40"W  
199.17'  
L2  
S75°59'15"E  
182.07'  
L3  
N75°32'42"W  
194.76'  
L4  
L5

HIS WAY (45° PRV. R/W)  
S75°32'42"W  
1323.80'

158 (100' R/W)

College Way

# Currituck County GIS Online Mapping





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – 2060**

**Agenda Item Title:** Public Hearing & Action: PB 15-15 Countryside Estates:

**Submitted By:** Donna Voliva – Planning & Community Development

**Item Type:**

**Presenter of Item:** Donna Voliva

**Board Action:** Action

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

Request for a conditional zoning amendment on property zoned C-MXR to remove the farmland buffer, reduce the width of the Type A perimeter buffer and clarify the pedestrian improvements on 55.66 acres. The property is located in Moyock on the west side of Caratoke Highway (NC 168) south of North Point Boulevard, Tax Map 9, Parcel 79B, Moyock Township.

**Planning Board Recommendation:**

**Staff Recommendation:**

**TRC Recommendation:**



**STAFF REPORT  
PB 15-15 COUNTRYSIDE  
ESTATES (NCBC)  
BOARD OF COMMISSIONERS  
JANUARY 2, 2018**

### APPLICATION SUMMARY

<b>Property Owner:</b> Countryside Estates, LLC 1492 South Independence Boulevard Virginia Beach, VA 23462	<b>Applicant:</b> NCBC 1492 South Independence Boulevard Virginia Beach, VA 32462
<b>Case Number:</b> PB 15-15	<b>Application Type:</b> Conditional Rezoning, 1 <sup>st</sup> Amendment
<b>Parcel Identification Number:</b> 0009000079B0000	<b>Existing Use:</b> Residential Subdivision, under construction
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 55.363 acres
<b>Moyock SAP Classification:</b> Full Service	<b>Moyock Mega-Site Master Plan:</b> Low Density Residential (LDR)
<b>Zoning History:</b> AG and GB (1989); C-MXR (2015)	<b>Plan Request:</b> Residential Subdivision, Conditional Zoning 1 <sup>st</sup> Amendment
<b>Current Zoning:</b> C-MXR	<b>Proposed Zoning:</b> C-MXR

### SURROUNDING PARCELS

	<b>Land Use</b>	<b>Zoning</b>
North	Residential/Undeveloped	AG/GB
South	Cultivated Farmland/ Undeveloped	MXR/GB
East	Undeveloped	GB
West	Cultivated Farmland	AG

### STAFF ANALYSIS

#### REQUEST

The property is zoned Conditional-MXR (C-MXR) and is under construction for a 62 lot residential subdivision. The BOC approved the conditional zoning on November 2, 2015 with the following conditions:

1. Use: Subdivision of 62 residential lots containing a minimum of 20,000 square feet that will front on 50' public streets. All lots will be served by public water and sanitary sewage.
2. The development will be in conformance with the attached land plan for Countryside Estates.
3. The 50' vegetated farmland buffer shall be dedicated on the adjacent property to the south owned by Currituck F & W Land Company, LLC as an easement (recorded document).

4. In the event the property to the south (N/F Currituck F & W Land Company remains in active cultivation at the time of final plat approval for Countryside Estates, the farmland buffer and 50' easement on the Currituck F & W Land Company property shall be recorded.

After the conditional zoning was approved for the subject property, the Moyock Mega Site Master Plan (Currituck Station) was adopted by the Board of Commissioners (June 2017). The Master Plan identifies the Countryside Estate property as low density residential (LDR) and the property immediately adjacent to the south as medium density residential (MDR). The property to the south is owned by N/F Currituck F&W Land Company and has a higher development potential than the subject property. If N/F Currituck F&W Land Company's property is developed with densities designated in the Master Plan, the farmland buffer would not be required. N/F Currituck F & W Land Company property is in active cultivation and the property owner has provided a written acknowledgement to remove the farmland buffer.

The property owner has requested amendments to the C-MXR district conditions that would:

- Remove Zoning Conditions 3 and 4 (farmland buffer)
- Modify the plan to:
  - Reflect the removal of the farmland buffer located on the Currituck F & W Land Company property (southern);
  - Reduce the Type A buffer along the North Point property line from 25' to 20'; and,
  - Reflect the pedestrian circulation.

### Community Meeting

A community meeting was held on October 9, 2017. The property owners in attendance were from North Point subdivision and were concerned about drainage and construction of the proposed subdivision. The reduction in buffer along the property line was a concern.

### 2006 Land Use Plan

The 2006 Land Use Plan (LUP) classifies the site as Full Service with the Moyock subarea. The policy emphasis for the Moyock subarea is properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential Development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other county services are limited, development density should be limited to 1-2 units per acre. However, in areas where central sewer is proposed or existing, additional services are available, and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

### The Moyock Small Area Plan

The Moyock Small Area Plan (MSAP) classifies the property as Full Service. Full Service designations are focal points in the community where high amounts of activity occur. Mixed use development with both residential and commercial components will be present in these areas. Typical densities in full service designations range from 1.5-3 units per acre depending on surrounding land uses. All development should encourage human scale development and interconnected transportation systems that support both vehicles and pedestrians.

The MSAP policy relevant to the request include:

**POLICY FLU 1:** Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.

## UDO

The UDO allows two options for the Type A buffer:

BUFFER TYPE	DESCRIPTION	MINIMUM SCREENING REQUIREMENT [1] [2]		
		OPTION 1: MIN. WIDTH: 25 FEET	OPTION 2: MIN. WIDTH: 10 FEET	VC/CC DISTRICT MIN. WIDTH: 5 FEET
<b>TYPE A: BASIC BUFFER</b>				
	This perimeter buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet.	6 ACI of canopy trees + 6 ACI of understory trees per 100 linear feet	2 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	One 5-foot-high solid fence + 20 shrubs per 100 linear feet

Staff does have concerns reducing the width of the Type A perimeter buffer along the North Point subdivision. The UDO does allow two options for the Type A perimeter buffer width and the request is generally consistent with the UDO. The applicant shall demonstrate that adequate area can be provided for the continued maintenance of the drainage ditch located along the northern property line and the installed buffer will maintain the 10' screening requirement (species description) with an increased width to 20' (total width). If Option 2 is used, the buffer area will be reduced but more plantings are required.

## REVIEW STANDARDS

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

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this ordinance;
  - The removal of the farmland buffer along the southern property line appears to be consistent with the goals, objectives, and policies of the Land Use Plan, and other county adopted plans.
  - The farmland buffer on the adjacent southern property is located within the boundaries of the Currituck Station master plan. The master plan affords

- higher development densities on the adjacent southern property. A perimeter buffer, if required, will be provided as outlined by the UDO.
- The request is consistent with the purpose and intent of the perimeter landscape buffer, and as proposed will mitigate and separate the Countryside Estate development zoned C-MXR from North Point development zoned AG.
- Is in conflict with any provision of this ordinance, or the County Code of Ordinances;
  - The UDO allows two options for the Type A perimeter buffer; Option 1: 25' width and Option 2: 10' width. A 20' width is not an option in the UDO. The project would be subject to 10' plant materials in the 20' width. The owner agrees to incorporate an additional 10' buffer for planting and drainage.
- Is required by changed conditions;
  - The adoption of the Moyock Mega Site (Currituck Station) master plan could allow for increased residential densities along the adjacent southern property line and no longer require the farmland buffer, once developed.
- Addresses a demonstrated community need;
  - Staff is not aware of a demonstrated community need for amendment to the conditional zoning.
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
  - The requested amendment appears to be consistent with the surrounding land and the appropriate zoning district and uses of the land.
- Adversely impacts nearby lands.
  - Staff is not aware of any adverse impacts to nearby lands provided adequate area for drainage and plants can be provided within the 20' proposed buffer along the northern property line.
- Would result in a logical and orderly development pattern;
  - It is staff's opinion that the amendment to the rezoning will result in a logical and orderly development pattern by continuing to provide the perimeter buffer along the northern property line (North Point).
- Would result in significant adverse impacts on the natural environment – including, but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
  - Staff is not aware of any adverse impacts on the natural environment because of the proposed rezoning amendment.
- Would result in development that is adequately served by public facilities;
  - The zoning amendment will not have an impact on adequate public facilities.
- Would not result in significantly adverse impacts on the land values in the surrounding area; and,
  - Staff is not aware of any significantly adverse impacts on the land values in the surrounding area.
- Would not conflict with the public interest and is in harmony with the purposes and intent of this ordinance.
  - Staff is not aware of any public interest conflict with the removal of the farmland buffer and appears to be in harmony with the intent of the ordinance.
  - The UDO allows two options for the Type A perimeter buffer; Option 1: 25' width and Option 2: 10' width. The project would be subject to 10' plant materials in the 20' width. The owner agrees to incorporate an additional 10' buffer for planting and drainage.

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

The TRC recommends approval of the proposed request to amend the conditional zoning (C-MXR) provided the plants and drainage can be located within the 20' buffer. The TRC shall review the revised plant and drainage areas.

## CONSISTENCY AND REASONABILITY STATEMENT

The conditional zoning request is consistent with the 2006 Land Use Plan because:

- It is at a density appropriate for the location. (Policy HN1)
- Adequate public facilities are available to service the project. (PP2)
- It is located in the fastest growing area of the county that continues to evolve as a Full Service community. (Moyock Policy Emphasis)

The conditional rezoning request is consistent with the Moyock Small Area Plan because:

- Infrastructure and service needs of the community are met. (IS2)
- Promotes compatibility between existing developments. (FLU1)

The request is reasonable and in the public interest because:

- It provides a perimeter buffer between the existing development (North Point) and the proposed development.

## CONDITIONS OF APPROVAL

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

### Suggested conditions of approval:

1. Use: Subdivision of 62 residential lots containing a minimum of 20,000 square feet that will front on 50' public streets. All lots will be served by public water and sanitary sewage.
2. The development will be in conformance with the attached land plan for Countryside Estates.
3. The Type A Buffer along the northern property line (North Point boundary) shall be installed in accordance with Option 1 (25' width), or a modified Option 2 (10' planting width with an additional 10' buffer that will provide a 20' total width).

## PLANNING BOARD RECOMMENDATION – 12/12/2018

**RESULT: RECOMMENDED APPROVAL [UNANIMOUS] Next: 1/2/2018 6:00 PM**

**MOVER:** Steven Craddock, Board Member

**SECONDER:** Fred Whiteman, Vice Chairman

**AYES:** Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**ABSENT:** J. Timothy Thomas, Board Member

**Motion:** Recommended approval of the request for conditional zoning modification by approving condition #1 Use: Subdivision of 62 residential lots containing a minimum of 20,000 square feet that

will front on 50' public streets. All lots will be served by public water and sanitary sewage and condition #2 The development will be in conformance with the attached land plan for Countryside Estates and changing condition #3 to Type A Buffer along the northern property line (North Point boundary) shall be installed.

**Discussion:** Assistant Planning Director, Donna Voliva presented the staff report. The property is zoned conditional-MXR (C-MXR) and is under construction for a 62 lot residential subdivision. The BOC approved the conditional zoning on November 2, 2015 with four conditions. The property owner has requested amendments to the C-MXR district conditions that would remove Zoning Conditions 3 and 4 (farmland buffer) and modify the plan to reflect the removal of the farmland buffer located on the Currituck F & W Land Company property (southern), reduce the Type A buffer along the North Point property line from 25' to 20' and reflect the pedestrian circulation. These changes are requested since the Moyock Mega Site Master Plan (Currituck Station) that was adopted by the Board of Commissioners June 2017 would change conditions that require the farmland buffer. N/F Currituck F & W Land Company property is in active cultivation and the property owner has provided a written acknowledgement to remove the farmland buffer. Staff recommends approval.

Chairman Bell asked the board members if they had any question for Ms. Voliva. Discussion was held concerning the Community Meeting on October 9, 2017. Ms. Voliva said the property owners in attendance were from North Point subdivision and were concerned about drainage and construction of the proposed subdivision and that the reduction in buffer along the property line was not a concern.

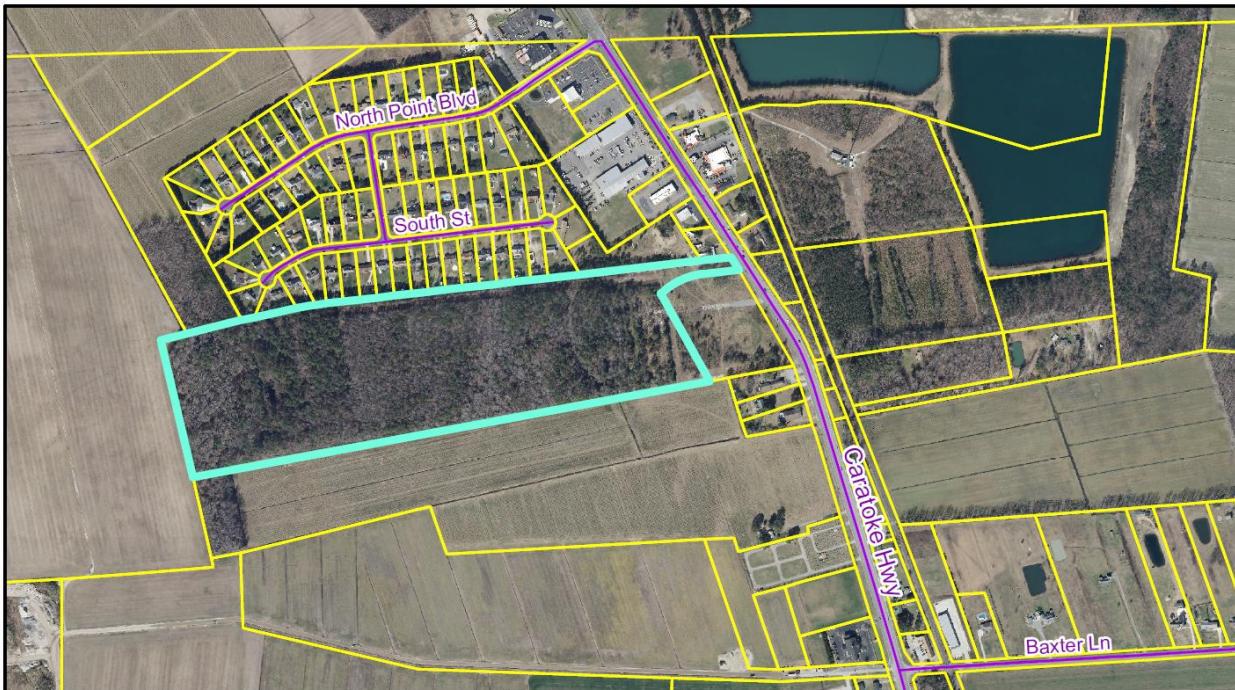
The applicant, Mr. Napolitano came before the board. Discussion was held on reducing the width of the Type A perimeter buffer along the North Point subdivision and the two options for the Type A perimeter buffer width. The applicant shall demonstrate that adequate area can be provided for the continued maintenance of the drainage ditch located along the northern property line and the installed buffer will maintain the 10' screening requirement (species description) with an increased width to 20' (total width). If Option 2 is used, the buffer area will be reduced but more plantings are required. Board members agreed the 10' screening requirement would be better since the density would be greater. This would also be a higher cost since it requires more plantings.

Chairman Bell closed the public hearing and asked for a motion.

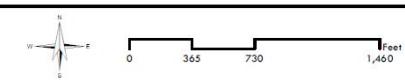
Mr. Craddock motioned to approve the request for conditional zoning modification by approving condition #1 Use: Subdivision of 62 residential lots containing a minimum of 20,000 square feet that will front on 50' public streets. All lots will be served by public water and sanitary sewage and condition #2 The development will be in conformance with the attached land plan for Countryside Estates and changing condition #3 to Type A Buffer along the northern property line (North Point boundary) shall be installed in accordance with Option 1 (25' width), or a modified Option 2 (10' planting width with an additional 10' buffer that will provide a 20' total width).

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

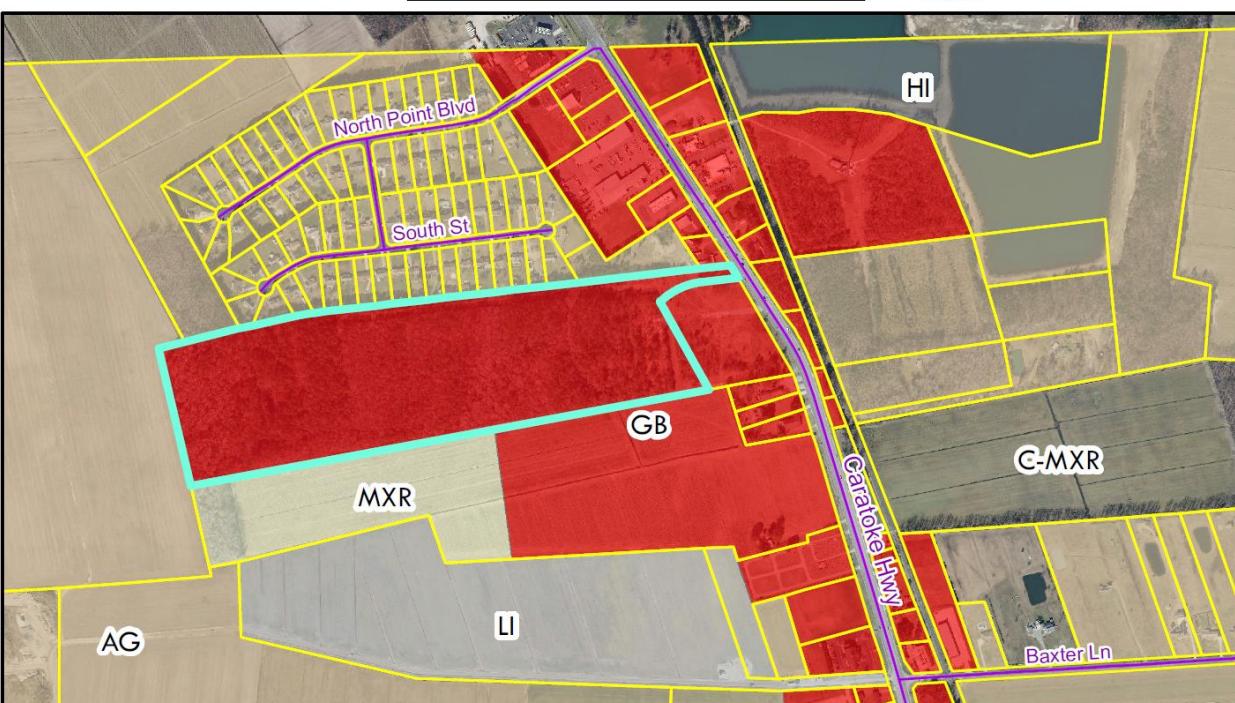
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE  
Planning Board: [www.co.currituck.nc.us/planning-board-minutes-current.cfm](http://www.co.currituck.nc.us/planning-board-minutes-current.cfm)



PB 15-15 Countryside Estates  
Conditional Rezoning  
Aerial



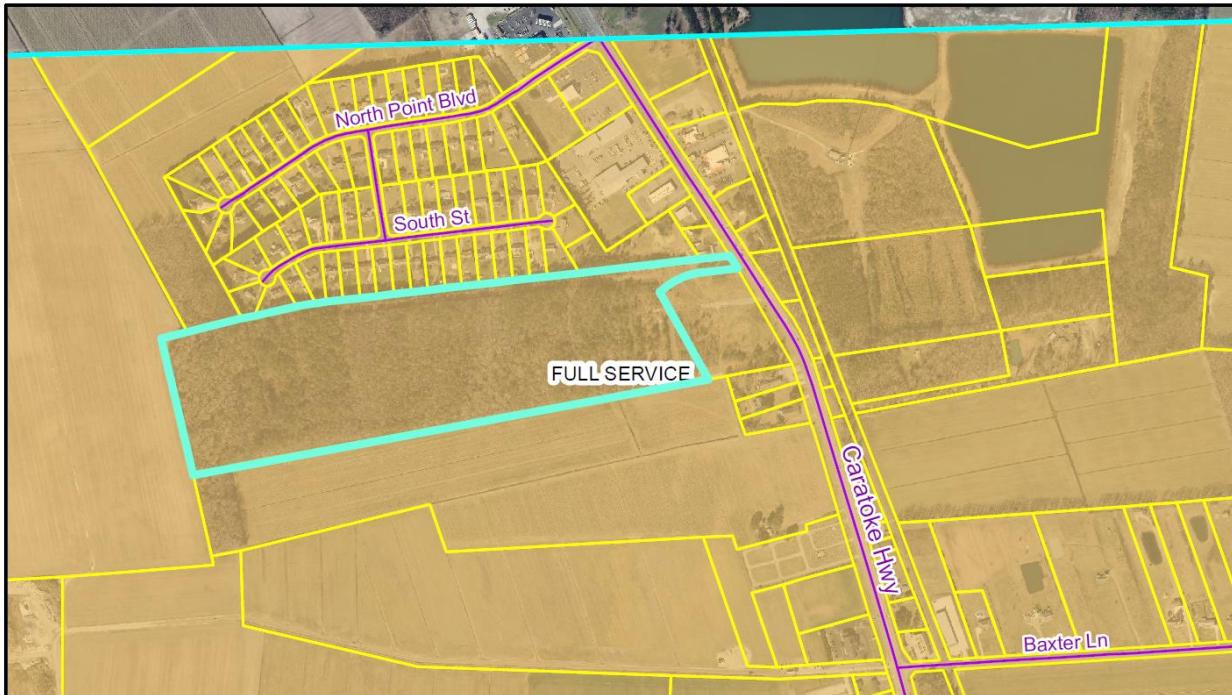
Currituck  
County  
Planning and Community  
Development



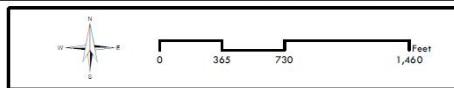
PB 15-15 Countryside Estates  
Conditional Rezoning  
Base Zoning



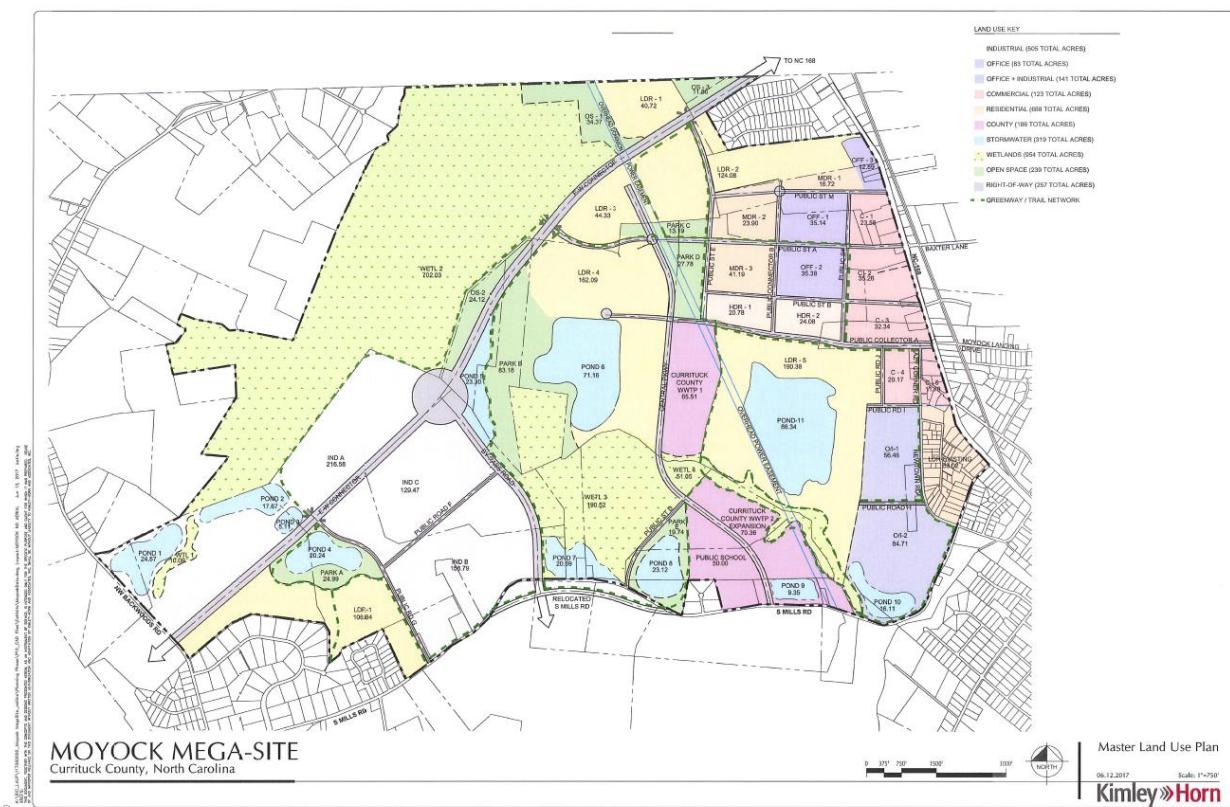
Currituck  
County  
Planning and Community  
Development



PB 15-15 Countryside Estates  
Conditional Rezoning  
Moyock SAP FLU Map



Currituck County  
Planning and Community  
Development





## Conditional Rezoning Application

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

### Contact Information

#### APPLICANT:

Name: NCBC  
 Address: 1492 S. Independence Blvd.  
 Virginia Beach, VA 23462  
 Telephone: 757-474-0888 ext. 24  
 E-Mail Address: jnapolitano@napolitanohomes.com

#### PROPERTY OWNER:

Name: Countryside Estates  
 Address: 1492 S. Independence Blvd.  
 Virginia Beach, VA 23462  
 Telephone: 757-474-0888 ext. 24  
 E-Mail Address: jnapolitano@napolitanohomes.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

### Property Information

Physical Street Address: 166 Caratoke Highway

Location: Moyock, North Carolina 23502

Parcel Identification Number(s): 0009000079B0000

Total Parcel(s) Acreage: countryside estates

Existing Land Use of Property: Residential

### Request

Current Zoning of Property: MXR      Proposed Zoning District: No Change

### Community Meeting

Date Meeting Held: October 9, 2017      Meeting Location: Moyock Library

## Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

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

**Proposed Use(s):**

The purpose of this request is to eliminate the 50' farm buffer on the south border of the property.

The reason for the request is due to the fact that the Mega Site had not been approved and was still

in the consideration stage. Now that it has been approved the buffer would eventually be torn out

when the mega site is developed. The buffer was to be installed on Mr. Frank

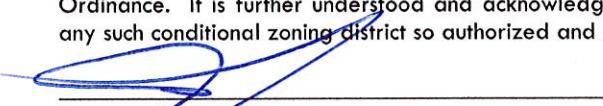
Williams Farm and that area is part of the Mega Site.

**Proposed Zoning Condition(s):**

Same as above

An application has been duly filed requesting that the property involved with this application be rezoned from: \_\_\_\_\_ to: \_\_\_\_\_

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

  
Property Owner(s)

10-15-17  
Date

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

## Conditional Rezoning Design Standards Checklist

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

## Conditional Rezoning

### Conceptual Development Plan Design Standards Checklist

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant/Property Owner: \_\_\_\_\_

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

### Conditional Rezoning Submittal Checklist

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

## Conditional Rezoning

### Submittal Checklist

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant/Property Owner: \_\_\_\_\_

Conditional Rezoning Submittal Checklist		
1	Complete Conditional Rezoning application	✓
2	Application fee (\$150 plus \$5 for each acre or part thereof)	✓
3	Community meeting written summary	✓
4	Conceptual development plan	✓
5	Architectural drawings and/or sketches of the proposed structures.	✓
6	5 copies of plans	✓
7	5 hard copies of ALL documents	✓
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	✓

### For Staff Only

#### Pre-application Conference

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

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**Comments**

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PROPOSED SITE LAYOUT PLAN OF  
**COUNTRYSIDE ESTATES**  
CURRITUCK COUNTY, NORTH CAROLINA

CURRITUCK COUNTY, NORTH CAROLINA

Attachment: Countryside Estate Zoning Plan (PB 15-15 Countryside Estates)

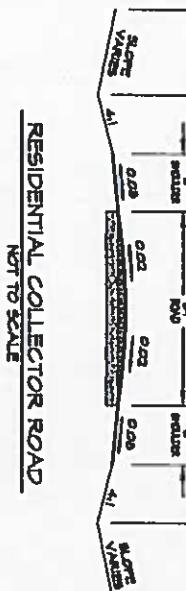
Other Information  
Calvary Temple Church  
Source Doc#: BK-124 PG. 564  
5639 Braddock Road  
Norfolk, Virginia 23502

**Parcel 2 Site Data**

Parcel ID:	0008000007980000
CFIN:	8022-39-5079
Site Area:	± 55.363 AC.
Bidding Zoning:	GR
Proposed Zoning:	MXR
Proposed Use:	Residential

A map showing the coastlines of North Carolina, South Carolina, and Georgia. A dashed line indicates the location of the Cape Hatteras National Seashore, spanning from the North Carolina state line to the Georgia state line. A star marks the location of the Cape Hatteras Lighthouse. Labels include 'NORTH CAROLINA', 'SOUTH CAROLINA', 'GEORGIA', 'CAPE HATTERAS', 'NORTH Pt. BLOC', 'NORTH Pt. BLOC', 'NORTH Pt. BLOC', and 'NORTH Pt. BLOC'.

An aerial view of a residential subdivision. The area is primarily green, representing lawns and trees. A large, irregularly shaped lake is located in the center. The subdivision is organized into several rows of lots, each with a house and a driveway. The lots are labeled with house numbers. A paved road runs through the subdivision, with a bridge crossing the lake. The surrounding area is a mix of green fields and brown, undeveloped land. There are also some small buildings and structures on the right side. The overall layout is a mix of planned development and natural landscape.

<b>RESIDENTIAL SITE:</b> <b>OPEN SPACE REQUIRED (30%):</b> <b>OPEN SPACE PROVIDED (34.5%):</b> <b>EXISTING WETLANDS:</b> <b>WETLANDS TO BE MITIGATED:</b>		<b>55.563 AC (2,416,112 SF)</b> <b>16.609 AC (1,234,400 SF)</b> <b>1.271 AC (539,410 SF)</b> <b>503,606 SF (0.04 ACRES)</b> <b>20,327 SF (0.46 ACRES)</b>	 <p><u>RESIDENTIAL COLLECTOR ROAD</u> NOT TO SCALE</p>
---	--	---	---

The diagram illustrates a highway interchange. A ramp from the left, labeled "CARATOKE HIGHWAY (ROUTE 168)", merges onto a multi-lane highway. The highway has a solid grey center line and dashed white edge lines. A shaded area indicates the merging lane. The word "ENTRANCE" is written vertically along the ramp. The background shows a green landscape with a blue sky.

A cross-sectional diagram of a ditch. The left side shows the 'EXISTING DITCH' with a wavy base. The right side shows the 'PROPOSED TTYPE A LANDSCAPE BUFFER (25') OPTION' with a straight top and a wavy base. The diagram is labeled 'NOT TO SCALE' and 'DITCH SECTION AT NORTH PROPERTY LINE'.

EXISTING DITCH

PROPOSED  
TTYPE A LANDSCAPE  
BUFFER (25') OPTION

NOT TO SCALE

DITCH SECTION AT NORTH PROPERTY LINE

NORTH PROPERTY LINE

	RESIDENTIAL SITE:	55.363 AC (2,416,12 SF)
	OPEN SPACE REQUIRED (30%), OPEN SPACE PROVIDED (34.5%),	6.609 AC (172,488 SF) 1.271 AC (839,410 SF)
	EXISTING WETLANDS, WETLANDS TO BE MITIGATED:	383,606 SF (0.08 ACRES) 20,327 SF (0.48 ACRES)
	DENOTES EXISTING WETLANDS	
	DENOTES OPEN SPACE	
	DENOTES WETLAND IMPACTS	

NOTE: PEDESTRIAN PATH LAYOUT HAS BEEN REVISED DURING THE SITE PLAN DEVELOPMENT PROCESS. SEE ATTACHED SHEET C1.2 FOR NEW PEDESTRIAN PATH LAYOUT.

DATE: 08/21/15  
**EXHIBIT FOR REZONING  
REVISED 11/17/2017**

NAPOLITANOHOMES  
ESTATE 1974

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**MSA<sup>2</sup> P.C.**  
Environmental Sciences • Planning • Surveying  
Civil & Environmental Engineering • Landscape Architecture  
3011 Route Drive, Virginia Beach, VA 23462  
(757) 493-5664 (757) 493-6334 (Fax)  
[www.msaonline.com](http://www.msaonline.com)  
HSA PROJ. 45021



October 15, 2017

To: Currituck Planning

From: John Napolitano

RE: Community meeting for Countryside Estates

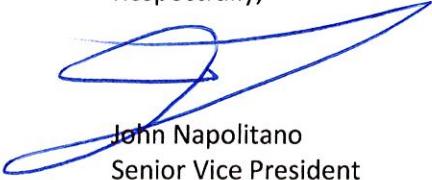
On October 9, 2017 a community meeting was held at the Moyock Library for the conditional rezoning request for Countryside Estates. There were very few people in attendance, but those who did attend were very vocal. (sign in sheet enclosed) Also in attendance from the County was Donna Voliva. They did not come to necessarily hear about the request, only to voice concerns over the drainage.

The topics that were discussed at the meeting:

1. That the ditch between North Point and Countryside was dry on Friday the 6<sup>th</sup>, but had water on the 7<sup>th</sup> and it had not rained. Upon investigation there had been a dam in the main active drainage ditch that was released on Friday the 6<sup>th</sup> in anticipation of rain and so the water did seek its own level and did put water in the dry ditch.
2. That there were some deposits from our community in the ditch. Upon investigating there was one area of the ditch with about a wheelbarrow of sand deposited. I assured everyone there that if we deposit anything into that area it will be removed. We will re-inspect as we complete our work.
3. At the North/West corner of the property the ditch was not draining. Upon investigation there had been some erosion into the new ditch that was dug along the West property line, and the ditch along the South property line had not yet been cleared, due to waiting on the farmer to pick his harvest. The contractor will go back and reshoot the grades and make sure the ditch is flowing in the proper direction.
4. There was concern that the running of equipment along the North property line may have injured tree roots. No equipment had been driven on the North side of our silt fence and the silt fence is a good 5-10 feet away from any mature trees. No equipment had been driven within the drip line of any mature trees.
5. We were able to talk briefly about the reduction of buffers, and while reducing the buffer from 20' to 10' on the Northern border will create a more vegetated buffer, the residence of North Point seemed to not be in favor of it. As for the 50' border on the South property line, they did not seem to have an issue with since it did not affect the.

In conclusion, we will request the elimination of the 50' buffer on the South property line and we will not request a change to the North property line. As for the drainage issues we have not yet made the final connection of the drainage pipe that will drain the majority of the North Point ditch. When that is connected most if not all issues should dissipate. As I have said from the beginning we will not make the drainage issues in North Point any worse than they were, and should in all likelihood help them. All other drainage issues mentioned above will be addressed as well.

Respectfully,

A handwritten signature in blue ink, appearing to read "John Napolitano".

John Napolitano  
Senior Vice President





## Currituck County

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

To: John Napolitano, Napolitano Homes

From: Donna Voliva, Senior Planner

Date: November 13, 2017

Subject: PB 15-15 Countryside Estates Conditional Rezoning 1<sup>st</sup> Amendment TRC  
 Comments

---

The following comments have been received for the TRC meeting on November 15, 2017 regarding the conditional rezoning amendment of Countryside Estates. TRC comments are valid for six months from the date of the TRC meeting.

**Planning, Donna Voliva**

Reviewed

1. The conceptual plan shall include the perimeter buffer along the northern boundary.
2. Provide a written document from the adjacent landowner acknowledging the removal of the buffer.

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

No Comment

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

Approved

**Currituck County Building Inspections, Bill Newns**

No Comment

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

No Comment

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

No Comment

**Currituck County Utilities, Benjie Carawan 252-453-2620)**

No Comment

**Currituck County Fire Marshal, James Mims**

Reviewed

1. Not a fire code issue

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

Reviewed

1. NO COMMENT CONCERNING ELIMINATING A 50 FEET BUFFER REQUIREMENT.

**NC DOT, Randy Midgett (252-331-4737)**

No comment

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

No comment

1. An archeological survey is not recommended for this site.

**US Postal Service, Moyock Postmaster**

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

**The following items are necessary for resubmittal:**

- 3 - full size copies of the revised plan
- 10 11" x 17" copies of the revised plan
- 1 - 8 1/2" x 11" reduction of the revised plan
- 1- PDF digital copy of all new and revised documents and plans



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – 2063**

**Agenda Item Title:** Public Hearing & Action: PB 17-09 Mainstay Construction, Inc:

**Submitted By:** Jason Litteral – Planning & Community Development

**Item Type:**

**Presenter of Item:** Jason Litteral

**Board Action:** Action

---

**Brief Description of Agenda Item:**

Request for conditional rezoning of 20.01 acres from Agriculture (AG) to Conditional Single-Family Residential-Mainland (C-SFM) for properties located at Tulls Creek Road, Tax Map 14, Parcel 18D & Parcel 18E, Moyock Township.

**Planning Board Recommendation:**

**Staff Recommendation:**

**TRC Recommendation:**



**STAFF REPORT  
PB 17-09  
BOARD OF COMMISSIONERS  
JANUARY 2, 2017**

#### APPLICATION SUMMARY

<b>Property Owner:</b> Mainstay Construction	<b>Applicant:</b> Mainstay Construction
<b>Case Number:</b> PB 17-09	<b>Application Type:</b> Conditional Rezoning
<b>Parcel Identification Number:</b> 0014000018D0000 and 0014000018E0000	<b>Existing Use:</b> Farmland/Vacant
<b>Land Use Plan Classification:</b> Rural	<b>Parcel Size (Acres):</b> 20.1 acres combined
<b>Moyock Small Area Plan Classification:</b> Limited Service	<b>Zoning History:</b>
<b>Current Zoning:</b> Agriculture (AG)	<b>Proposed Zoning:</b> Conditional-Single Family Mainland (C-SFM)
<b>Plan Request:</b> 13 Lot Traditional Residential Subdivision	

#### STAFF ANALYSIS

##### REQUEST

The applicant is requesting a conditional rezoning of 20.1 acres from Agriculture to Conditional- Single Family Mainland (C-SFM). The property is vacant of structures but does contain farmland and woodland. The conceptual plan shows a 13 lot subdivision with all 13 lots being 40,000 square feet in area or greater. The two parcels are within the boundaries of the Moyock Small Area Plan and are classified as Limited Service.

The subject property is bordered on the west by Dustin Acres subdivision which has been rezoned from AG to C-SFM and has a similar layout.

##### Community Meeting

The Meeting was held on Friday, October 20, 2017 at 1:30 p.m. in the Moyock Public Library meeting room. Questions were raised concerning the future of the wooded portion of the lot and street lighting.

##### 2006 Land Use Plan

The 2006 Land Use Plan (LUP) classifies the site as Rural within the Moyock subarea. The policy emphasis for the Moyock subarea is properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential Development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other county services are limited, development density should be limited to 1-2 units per acre.

*The proposed sketch plan shows a density of 0.65 units per acre.*

## The Moyock Small Area Plan

The Moyock Small Area Plan (MSAP) classifies the site as Limited Service on the future land use map.

According to the MSAP, limited Service designations are less intensely developed than full service. Emphasis in this designation is focused on residential densities. Limited service designations are characterized by:

- limited availability to infrastructure (public water and wastewater)
- low to moderate residential densities that range between 1 -1.5 units per acre.
- reduced public services such as fire protection, emergency services, recreation
- Clustered residential and small neighborhood service commercial such as retail, office, basic services, and civic uses.

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. The TRC recommends approval of the proposed request. The conditional rezoning request is consistent with the goals, objectives, and policies of the 2006 Land Use Plan and the Moyock Small Area Plan. It is compatible with existing and proposed uses surrounding the land subject to the application, requests an appropriate zoning district, and proposes an appropriate use for the land.

## SURROUNDING PARCELS

	Land Use	Zoning
North	Undeveloped/Residential	SFM
South	Undeveloped/Farmland (proposed subdivision)	SFM
East	Undeveloped/Residential	SFM / AG
West	Residential Subdivision (Dustin Acres)	C-SFM

## CONSISTENCY STATEMENT

The Conditional zoning request is consistent with the 2006 Land Use Plan because:

- *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.*

The Conditional Zoning request is consistent with the MSAP designation of Limited Service.

The MSAP policies relevant to the request include:

- *Policy CC1: Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.*

## REVIEW STANDARDS

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

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this ordinance;
  - The proposal appears to be consistent with the goals, objectives, and policies of the Land Use Plan, and other county adopted plans specifically concerning residential densities.
- Is in conflict with any provision of this ordinance, or the County Code of Ordinances;
  - The project appears to meet the minimum ordinance requirements.
  - Full subdivision review will occur upon submittal of a major subdivision application.
- Is required by changed conditions;
  - Staff is not aware of any changed conditions that would require the conditional rezoning.
- Addresses a demonstrated community need;
  - Staff is not aware of a demonstrated community need for the conditional rezoning.
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
  - The requested conditional rezoning appears to be consistent with the surrounding land and proposes an appropriate zoning district and use of the land.
- Adversely impacts nearby lands.
  - Staff is not aware of any adverse impacts to nearby lands.
- Would result in a logical and orderly development pattern;
  - It is staff's opinion that the rezoning will result in a logical and orderly development pattern. Dustin Acres subdivision is directly adjacent to the subject property and was approved for a similar conditional rezoning and subdivision layout.
- Would result in significant adverse impacts on the natural environment – including, but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
  - Staff is not aware of any adverse impacts on the natural environment because of the proposed conditional rezoning
- Would result in development that is adequately served by public facilities;
  - The zoning amendment will not have an impact on adequate public facilities.
- Would not result in significantly adverse impacts on the land values in the surrounding area; and,

- Staff is not aware of any significantly adverse impacts on the land values in the surrounding area.
- Would not conflict with the public interest and is in harmony with the purposes and intent of this ordinance.
  - Staff is not aware of any public interest conflict with the conditional rezoning request and it appears to be in harmony with the intent of the ordinance.

## CONDITIONS OF APPROVAL

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

### Agreed upon conditions of approval:

1. Minimum building size of 1,800 square feet.
2. Wood frame construction only.
3. Farm animals are prohibited
4. Individual mailboxes and individual roll out trash cans.

*The applicant is aware that cluster mailboxes may be required for this development and is seeking a waiver from the USPS. This condition may need to be modified depending on the outcome.*

## PLANNING BOARD RECOMMENDATION – 12/12/2017

**RESULT: RECOMMENDED APPROVAL [UNANIMOUS] Next: 1/2/2018 6:00 PM**

**MOVER:** C. Shay Ballance, Board Member

**SECONDER:** Jeff O'Brien, Board Member

**AYES:** Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**ABSENT:** J. Timothy Thomas, Board Member

**Motion:** Approval of the conditional rezoning request with the approved conditions of: Minimum building size of 1,800 square feet, wood frame construction only, and farm animals are prohibited. Condition #4 was removed – Individual mailboxes and individual roll out trash cans.

**Planning Board Discussion:** Planner I, Jason Litteral presented the staff report. The applicant is requesting a conditional rezoning of 20.1 acres from Agriculture to Conditional- Single Family Mainland (C-SFM). The property is vacant of structures but does contain farmland and woodland. The conceptual plan shows a 13 lot subdivision with all 13 lots being 40,000 square feet in area or greater. The two parcels are within the boundaries of the Moyock Small Area Plan and are classified as Limited Service. Mr. Litteral stated the four conditions of the requested rezoning: Minimum building size of 1,800 square feet, wood frame construction only, farm animals are prohibited and individual mailboxes and individual roll out trash cans (The applicant is aware that cluster mailboxes may be required for this development).

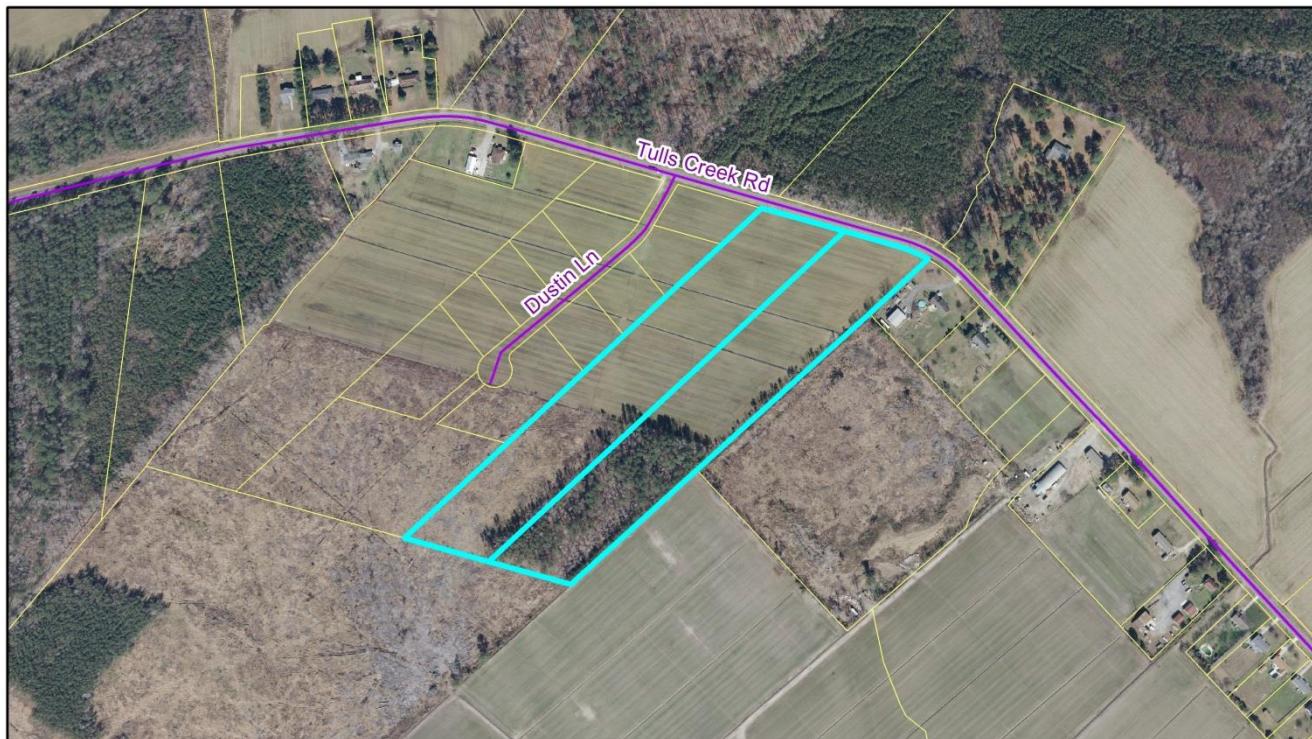
Dylan Tillett, with Quible & Associates, P.C., came before the board. Mr. Tillett gave brief introduction of his request and explained they have submitted a waiver from the USPS for the mailbox requirement for cluster mailboxes.

Chairman Bell asked if board members had any questions and there were none.

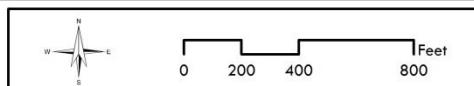
Chairman Bell closed the public hearing and asked for a motion.

Mr. Ballance motioned to recommend approval of the conditional rezoning request with the approved conditions of: Minimum building size of 1,800 square feet, wood frame construction only, and farm animals are prohibited. Condition #4 was removed – Individual mailboxes and individual roll out trash cans.

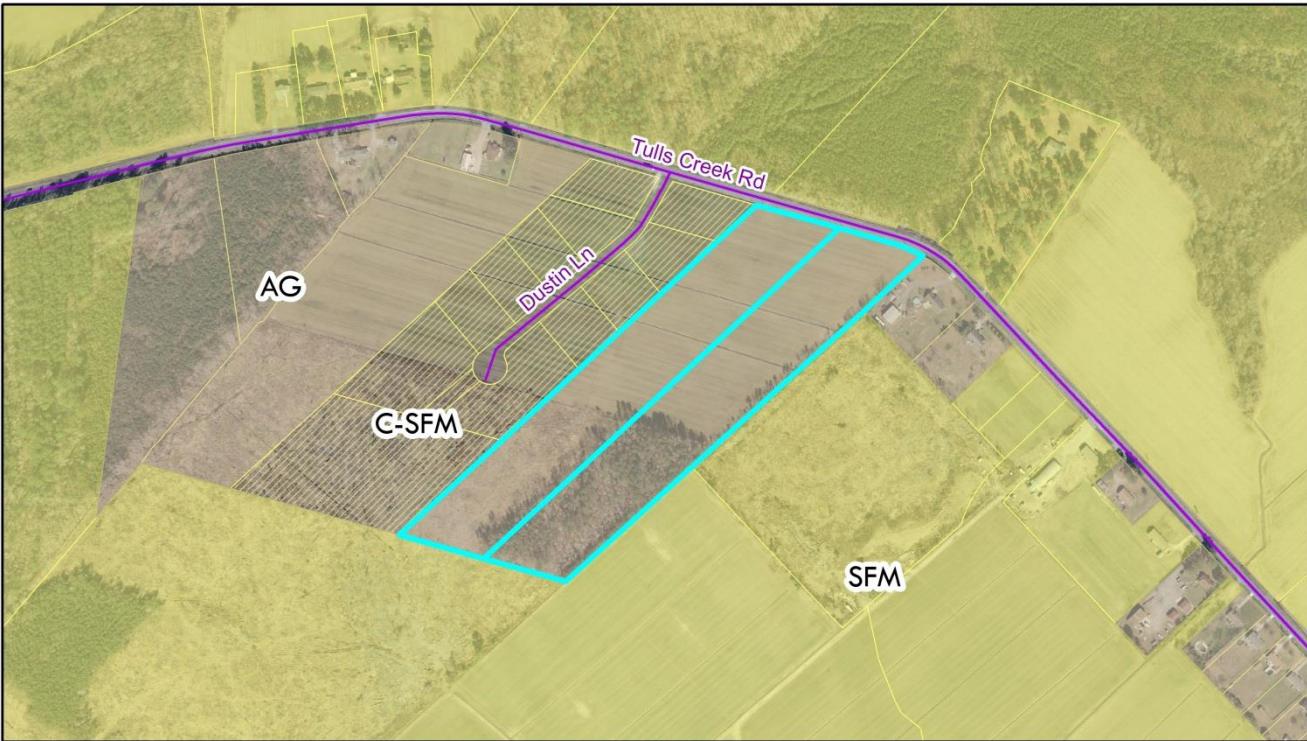
Mr. O'Brien seconded the motion and the motion carried unanimously.

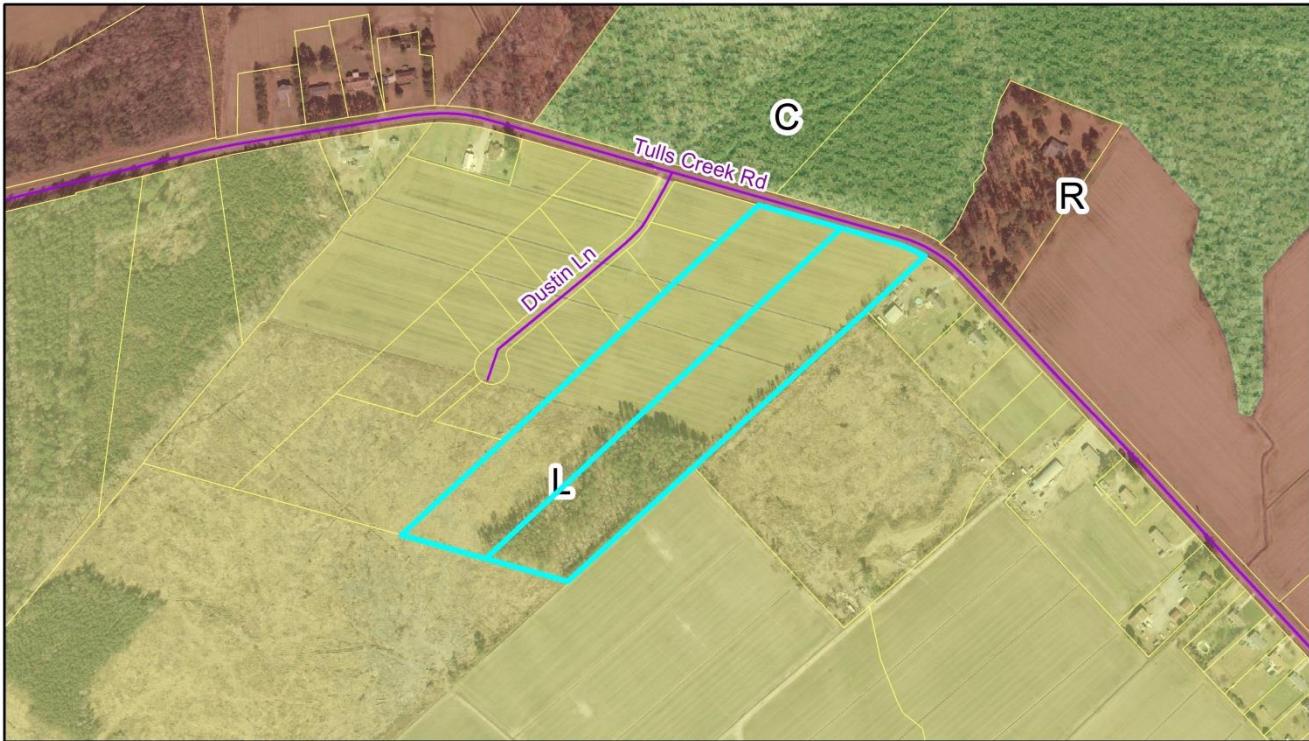


PB 17-09 Mainstay Construction, Inc.  
Conditional Rezoning  
Aerial

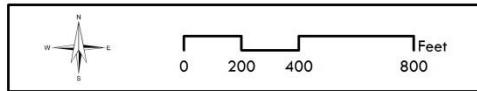


Currituck County  
Planning and  
Community Development





PB 17-09 Mainstay Construction, Inc.  
Conditional Rezoning  
Moyock SAP Future Land Use Classification



Currituck County  
Planning and  
Community Development

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



# Conditional Rezoning

## Review Process



### Contact Information

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

Phone: 252.232.3055  
Fax: 252.232.3026

Website: <http://www.co.currituck.nc.us/planning-community-development.cfm>

### Step 1: Pre-application Conference

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

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

### Step 2: Community Meeting

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

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

The community meeting shall comply with the following procedures:

- **Time and Place**
  - The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the proposed conditional rezoning.
- **Notification**
  - Mailed Notice
    - The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Planning Director and to:
      - i. All owners of the land subject to the application;
      - ii. All owners of land within 200 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
      - iii. Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.

- Posted Notice**
  - The applicant shall post notice of the community meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a form established by the Planning Director. Signs used for posted notice shall have a minimum size of six square feet per side.
- Notice Content**
  - The notice shall state the time and place of the meeting and general nature of the conditional rezoning.
- Conduct of Meeting**

At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to question and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.
- Staff Attendance**

County staff shall attend the meeting for purpose of advising attendees about the applicable provisions of the UDO and the land use plan, but shall not serve as facilitators or become involved in discussions about the proposed conditional rezoning.
- Written Summary of Community Meeting**

The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discuss issues related to the conditional rezoning application, and any other information the applicants deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.
- Response to Summary**

Any person attending the community meeting may submit a written response to the applicant's meeting summary to the Planning Director within 30 days after the application is determined complete. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant's summary of the community meeting shall be transmitted to the applicant, included with the application materials, and made available to for public inspection.

#### Step 3: Application Submittal and Acceptance

The applicant must submit a complete application packet on or before the application submittal date. Conditional rezoning applications may not be initiated by anyone other than the landowner(s) of the subject land. A complete application packet consists of the following:

- Completed Currituck County Conditional Rezoning Application.
- Application Fee (\$150 plus \$5 for each acre)
- Written Summary of Community Meeting.
- A conceptual development plan drawn to scale. The plan shall include the items listed in the conceptual plan design standards checklist.
- Architectural drawings and/or sketches illustrating the design and character of the proposed structures.
- Number of Copies Submitted:
  - 5 Copies of conceptual site plans
  - 5 Hard copies of ALL documents
  - 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents

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

#### Step 4: Staff Review and Action

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

#### Step 5: Advisory Body Review and Recommendation

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

#### Step 6: Public Hearing Scheduling and Public Notification

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

The application shall meet the following public notification requirements:

- **Published Notice**  
Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.
- **Mailed Notice**  
Staff shall be responsible for preparing and mailing a written notice between 10 and 25 days before the public hearing. Notice shall be mailed to:
  - All owners of the land subject to the application;
  - The applicant, if different from the land owner;
  - All owners of land within 200 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
  - Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.
- **Posted Notice**  
At least 10 days before the public hearing, posted notice shall be made by staff. A sign shall be placed in a conspicuous location as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

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

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

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

- Approval of the conditional rezoning subject to the conditions included in the application;
- Approval of the conditional rezoning subject to any revised or additional conditions agreed to by the applicant, in writing;
- Denial of the conditional rezoning; or
- Remand of the conditional rezoning application back to the Planning Board for further consideration.

A conditional rezoning is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a conditional rezoning, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the application:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
- Is in conflict with any provision of the UDO, or the County Code of Ordinances;
- Is required by changed conditions;
- Addresses a demonstrated community need;
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- Adversely impacts nearby lands;
- Would result in a logical and orderly development pattern;
- Would result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
- Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities.);
- Would not result in significantly adverse impacts on the land values in the surrounding area; and
- Would not conflict with the public interest, and is in harmony with the purposes and intent of the UDO.



## Conditional Rezoning Application

OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

**APPLICANT:**

Name: Mainstay Construction, Inc.  
 Address: PO Box 429  
Moyock, NC 27958  
 Telephone: 252-202-0741  
 E-Mail Address: cmainstay@aol.com

**PROPERTY OWNER:**

Name: Mainstay Construction, Inc.  
 Address: PO Box 429  
Moyock, NC 27958  
 Telephone: 252-202-0741  
 E-Mail Address: cmainstay@aol.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

### Property Information

Physical Street Address: Tulls Creek Road  
 Location: Lots 1 & 2, Ward Acres Subd.; ~650' SE of int. of Tulls Creek Rd. & Dustin Ln.  
 Parcel Identification Number(s): 0014000018D0000 & 0014000018E0000  
 Total Parcel(s) Acreage: 20.01  
 Existing Land Use of Property: Vacant (Agricultural Fields & Wooded)

### Request

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

### Community Meeting

Date Meeting Held: 10/20/17 Meeting Location: Moyock Public Library  
126 Campus Drive  
Moyock, NC 27958

**Conditional Rezoning Request**

To Chairman, Currituck County Board of Commissioners:

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

**Proposed Use(s):**

Traditional Subdivision

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**Proposed Zoning Condition(s):**

Minimum building size of 1,800 square feet, wood frame construction only, no farm animals, individual mailboxes and individual roll out trash cans per lot.

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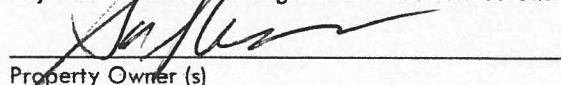
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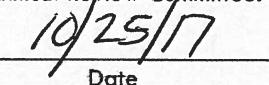


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An application has been duly filed requesting that the property involved with this application be rezoned from: AG to: C-SFM

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

  
Property Owner(s)

  
10/25/17  
Date

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

## Conditional Rezoning Design Standards Checklist

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

## Conditional Rezoning

### Conceptual Development Plan Design Standards Checklist

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: Lots 1 & 2, Ward Acres Subdivision - Conditional Rezoning ApplicationApplicant/Property Owner: Mainstay Construction, Inc.

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

### Conditional Rezoning Submittal Checklist

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

## Conditional Rezoning

### Submittal Checklist

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: Lots 1 & 2, Ward Acres Subdivision - Conditional Rezoning Application

Applicant/Property Owner: Mainstay Construction, Inc.

Conditional Rezoning Submittal Checklist	
1	Complete Conditional Rezoning application
2	Application fee (\$150 plus \$5 for each acre or part thereof)
3	Community meeting written summary
4	Conceptual development plan
5	Architectural drawings and/or sketches of the proposed structures.
6	5 copies of plans
7	5 hard copies of ALL documents
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)

### For Staff Only

#### Pre-application Conference

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

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**Comments**

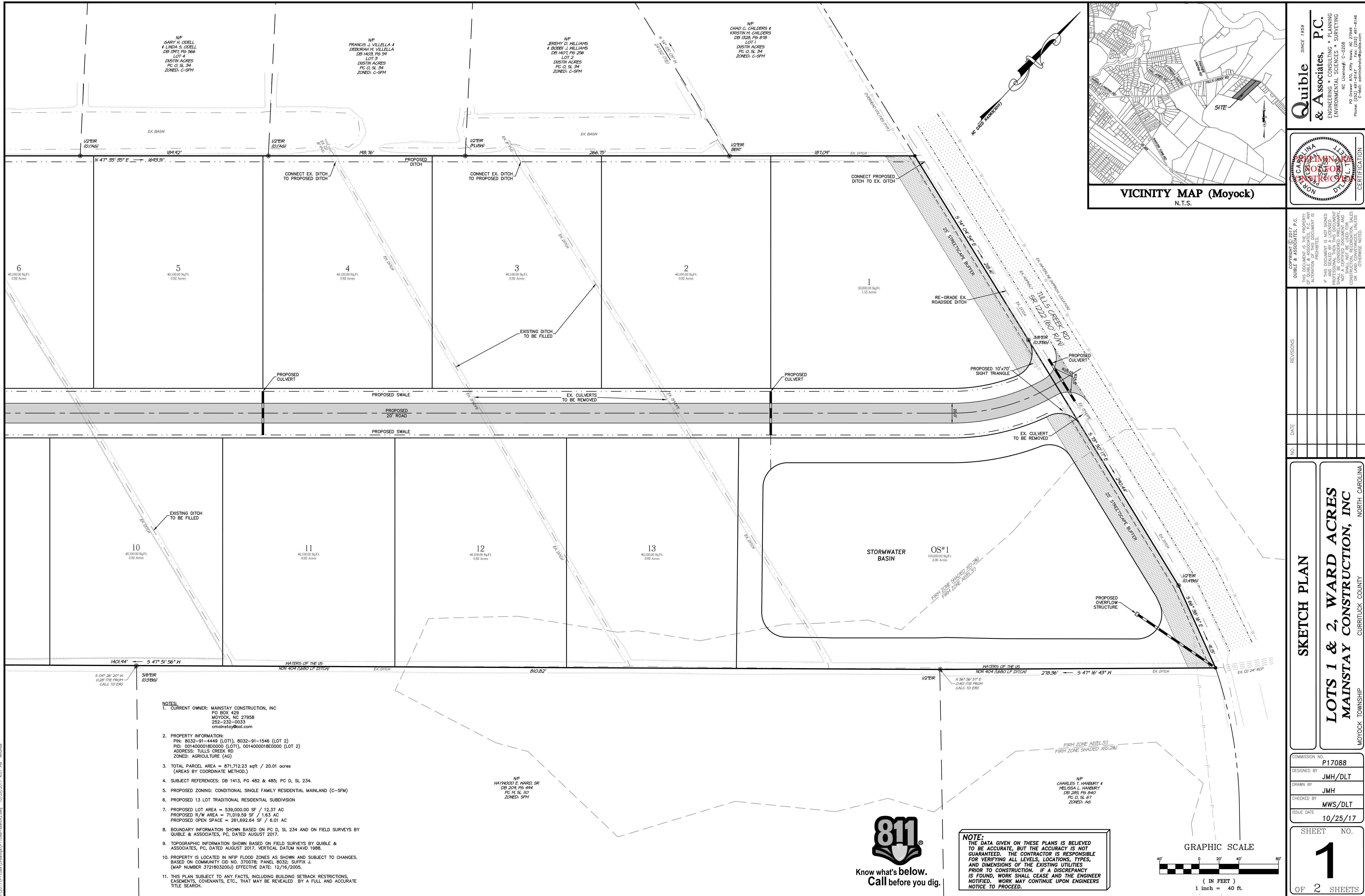
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# Quible

Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING  
SINCE 1959

P.O. Drawer 870  
Kitty Hawk, NC 27949  
Phone: 252-491-8147  
Fax: 252-491-8146  
web: quible.com

November 20, 2017

Jason Litteral, CFM  
Currituck County Planning and Community Development  
153 Courthouse Rd.  
Currituck, NC 27929

Re: **Conditional Rezoning Application TRC Comments Response Letter**  
Lots 1 & 2, Ward Acres Subdivision  
Moyock, Currituck County, North Carolina

Mr. Litteral:

Thank you for your review comments for the Conditional Rezoning received on November 13, 2017 for the November 15, 2007 TRC meeting for the above referenced project. On behalf of Mainstay Construction, Inc., Quible & Associates, P.C. hereby submits for your review the following documentation for the Conditional Rezoning Application of Lots 1 & 2, Ward Acres Subdivision.

- Three (3) Full-Size (24"x36") copies of the revised Conceptual Development Plan
- Ten (10) 11"x17" copies of the revised Conceptual Development Plan
- One (1) 8.5"x11" copy of the revised Conceptual Development Plan
- One (1) PDF digital copy of the revised Conceptual Development Plan

Please find our responses listed below in blue to your review comments. A copy of the TRC review comments is enclosed for your reference.

**Planning, Jason Litteral**

Approved with corrections,

1. The proposed road design does not meet the required street interconnectivity standards. Further discussion regarding the interconnectivity and pedestrian circulation may be necessary.

**Response:** Paragraph C. of Section 5.6.4 of the Currituck County UDO states that "The minimum connectivity index score may be reduced if the owner/developer demonstrates it is not possible to achieve due to topographic conditions, natural features, existing road configurations, or adjacent existing development patterns." The existing road configurations and layout of the adjacent existing developments create a situation that does not allow the achievement of the minimum connectivity index score. TRC meeting discussions led to recognizing this and determining that no further action will be required.

2. It is our understanding the post office may require clustered mailboxes. Please verify with the USPS that individual mailboxes will be approved. If clusters are required, please show on the plat.

Lots 1 & 2, Ward Acres Subdivision – Conditional Rezoning  
November 20, 2017

**Response:** We have verified with the USPS that cluster mailboxes will be required unless the USPS approves a waiver. A waiver to allow individual mailboxes has been sent to the USPS. The response from the waiver application will determine whether cluster mailboxes or individual mailboxes get installed.

3. Please include the minimum lot size (40,000 square feet) in the proposed conditions.

**Response:** Discussions during the TRC meeting led to the disregard of this comment. No further action needed.

4. Please indicate any required farmland compatibility buffers.

**Response:** Discussions during the TRC meeting led to determining there are not adjacent farmlands due to the existing adjacent farmland going through the subdivision process concurrently with this project. No further action needed.

### **Currituck County Engineer, Eric Weatherly**

Reviewed

\* Regarding stormwater:

- the rerouted ditches draining from the north will need to be sized and appropriately constructed, including the roadside ditch along Tulls Creek since it is now carrying new runoff.

**Response:** Acknowledged. The rerouted ditches will be sized and constructed appropriately to include the added runoff. Sizing of the ditches will take place during the Preliminary Plat and/or Construction Drawing phase.

- provide stormwater narrative and calculations

**Response:** Acknowledged. The stormwater narrative and calculations will be provided during the Preliminary Plat and/or Construction Drawing phase.

- provide permits

**Response:** Acknowledged. The stormwater permit will be provided during the Preliminary Plat and/or Construction Drawing phase.

\* Regarding water mains

- Water main shall be 8" up to the fire hydrant

**Response:** Acknowledged. All water mains will be designed to be 8" up to the fire hydrant. Water main design will take place during the Preliminary Plat and/or Construction Drawing phase.

- Provide water main permits

**Response:** Acknowledged. The water main extension permit will be provided during the Preliminary Plat and/or Construction Drawing phase.

\* Specific comments will be provided at construction submittal

**Response:** Acknowledged.

### **Currituck County Emergency Management, James Mims**

Reviewed,

Must be designed so as proposed construction will have a Needed Fire Flow no greater than the available fire flow.

**Response:** Acknowledged. Subdivision will be designed to have the Needed Fire Flow no

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Telephone (252) 491-8147 • Fax (252) 491-8146

Lots 1 & 2, Ward Acres Subdivision – Conditional Rezoning  
 November 20, 2017

greater than the Available Fire Flow (AFF = 1061 gpm @ 20 psi). This design will take place during the Preliminary Plat and/or the Construction Drawing phase.

Fire hydrants must be placed so no part of road frontage is greater than 500' from it.

Response: Acknowledged. Fire hydrants during design of Preliminary Plat and/or Construction Drawing will be placed so no part of road frontage is greater than 500 feet from it.

Need a detail as to the culdesac design.

Response: Acknowledged. Cul-de-sac design detail will be shown on the Preliminary Plat and/or Construction Drawing and will confirm the minimum turnaround standards.

Need a note: This subdivision is designed for single family dwellings 2 stories or less and effective fire area less than 4,800 sq.ft. and separation based on available fire flow of \_\_\_\_\_.

Response: Acknowledged. A note stating the above will be placed on the Preliminary Plat and/or Construction Drawing.

#### **Currituck County Building Inspections, Bill Newns**

Reviewed,

Clustered mailbox units if required must be ADA compliant

Response: Acknowledged. If cluster mailboxes will be required, access to them will be designed to be ADA compliant.

#### **Albemarle Regional Health Services, Joe Hobbs**

Reviewed,

NOTE: CONSULT WITH KEVIN CARVER RS AT 252-232-6603 TO DETERMINE SEPTIC SYSTEM APPROVAL FOR EACH LOT WHICH MAKES UP THIS PROPOSED SUB-DIVISION.

Response: Acknowledged. Quible & Associates, P.C. will consult with Kevin Carver, RS to determine septic system approval for each lot.

#### **Currituck County GIS, Harry Lee**

No, Comment

#### **Currituck County Parks and Recreation, Jason Weeks**

No Comment

#### **NCDOT, Randy Midgett**

No Comment

#### **NC State Archaeology, Mary Beth Fitts**

This project area was previously reviewed by this office as "Dustin Acres." There are no previously recorded archaeological sites noted in the project area. An archaeological survey is not recommended. No comment.

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Lots 1 & 2, Ward Acres Subdivision – Conditional Rezoning  
November 20, 2017

**Currituck Soil and Water, Will Creef**

No Comment

Please review the enclosed documentation and confirm that all TRC review comments have been addressed adequately for a favorable recommendation for approval to the Planning Board. Please do not hesitate to contact me at 252.491.8147 or dtillett@quible.com should you have any questions, comments or requests for additional information.

Sincerely,  
**Quible & Associates, P.C.**



Dylan L. Tillett, P.E.

Encl.: as stated

Cc: Mainstay Construction, Inc.  
File

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# Quible

Quible & Associates, P.C.

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SINCE 1959

P.O. Drawer 870  
Kitty Hawk, NC 27949  
Phone: 252-491-8147  
Fax: 252-491-8146  
web: quible.com

October 23, 2017

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

**RE: Community Meeting Report**  
Conditional Rezoning Application  
Lots 1 & 2, Ward Acres Subdivision  
Parcels 8032-91-4449 & 8032-91-1546  
Moyock, Currituck County, NC

Ms. Voliva,

A community meeting for the proposed Conditional Rezoning Application of the above referenced parcels located in Moyock, Currituck County was held on Friday, October 20, 2017 at 1:30 p.m. in the Moyock Public Library's Meeting Room located at 126 Campus Drive, Moyock, NC. The meeting was conducted by Quible & Associates, P.C. (Quible) on behalf of Mainstay Construction, Inc. (Applicant/Developer) with a representative of Mainstay Construction, Inc and Currituck County in attendance.

## Purpose

The purpose of the meeting was to inform the community in the vicinity of the subject parcels of the intent to apply for a Conditional Rezoning to allow for a traditional subdivision design. The existing parcels consists of vacant land (agricultural fields and woods). The parcels are currently zoned AG (Agricultural) and the conditional rezoning application proposes them to be C-SFM.

## Meeting synopsis

The Meeting Room was opened to the public prior to the meeting and guest/representatives started arriving at 1:25 p.m. Prior to beginning the community meeting, an "Open House" viewing of the Conditional Rezoning Exhibit, along with a blank Conditional Rezoning Application, a copy of the meeting agenda, print outs of the AG and SFM Zoning District Regulations from the Currituck County UDO, and blank Comment Sheets were available to the attendees on a table at the front of the room. A sign-in sheet with a provided pen was also next to these items.

As attendees arrived, they were asked to provide their contact information on the sign-in sheet at the table in the front. Attendees were also advised that comments could be received by Quible either by email, telephone, or comment sheet provided at the meeting.

At 1:35 p.m. a presentation of the proposed conditional rezone and traditional subdivision was provided by Quible. Attendees were reminded to pick up a copy of the meeting agenda and to

*Community Meeting Report  
Conditional Rezoning Application  
Lots 1 & 2, Ward Acres Subdivision  
October 23, 2017*

fill out their information on the sign-in sheet. The presentation followed the outline on the Agenda that was provided (Attachment 1).

Quible (Dylan Tillett) introduced himself, the Applicant (Mainstay Construction, Inc.) and the County Representative (Donna Voliva) and began with a brief discussion about the County procedures for reviewing and approving the proposed project and the purpose for the community meeting requirement.

The parcels proposed for the Conditional Rezoning were described and identified on the exhibit. The surrounding zonings and land uses were also described and shown. The subject parcel was described as being surrounded by adjacent SFM or C-SFM zonings with the exception of one adjacent lot being zoned AG. A traditional subdivision sketch of the proposed subdivision design was then shown to the attendees. The proposed subdivision sketch was described as in compliance with the Bulk Dimensional requirements specified in the Currituck County UDO under the SFM district requirements.

At the conclusion of the presentation, the floor was opened for questions from the audience. Comments and questions received during the meeting were as follows:

1. An attendee asked what the applicant intends to do with the wooded portion of the property.  
*The applicant stated that the proposed lots with wooded areas would be cleared to build houses and construct onsite wastewater systems. The areas of lots not needing clearing and the open space would not be cleared unless required to do so.*
2. An attendee asked what house sizes are intended to be built.  
*The applicant stated that the typical house sizes they built are no less than 1,800 square feet, but typically are larger.*
3. An attendee asked if the road would be turned over to the State (NCDOT) after subdivision completion.  
*The applicant stated that the typical procedure to turn the right-of-way over to the State would take place at the appropriate time during or at the end of development, similar to the same process Dustin Acres will do.*
4. An attendee asked if the proposed subdivision would have streetside lighting (indicating that they were not in favor of streetside lighting).  
*The applicant stated that they do not intend to install streetside lighting unless required to do so by the County. He stated that the County will require sidewalks and they will be shown once a design is complete.*
5. An attendee asked if any by-laws or covenants were going to be proposed.  
*The applicant stated that if required to provide by-laws, then they would be in similar nature to the Dustin Acres subdivision.*
6. An attendee asked what the timeframe for the project was.

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Telephone (252) 261-3300 • Fax (252) 261-1260

Community Meeting Report  
 Conditional Rezoning Application  
 Lots 1 & 2, Ward Acres Subdivision  
 October 23, 2017

Quible responded that the Conditional Rezoning Application process was currently going through the submittal process and the Preliminary Plat Application process would follow with expectation to overlap. Quible's schedule is to attend the February Board of Commissioner's meeting for the Preliminary Plat.

7. An attendee asked if the developer intends pre-sell the lots prior to construction.  
*The applicant/developer stated that their preferred process is to build pre-sold lots. They stated that if needed, they reserve the right to build a house that is not pre-sold in order to keep construction momentum.*
8. An attendee asked where are some nearby homes that have been built by the developer.  
*The developer/applicant gave several nearby addresses and communities that they had recently constructed residential homes in.*
9. An attendee asked if he would put a sign out at the beginning of the subdivision stating the sale of lots and having the lot configuration on it.  
*The developer/applicant stated that they would likely put a sign up for purposes of demonstrating available lots for sale and did not know if a lot configuration would be displayed on it or not. He stated that typically they would hand out copies of the Preliminary/Final Plat during inquiries on available lots to demonstrate lot layout.*

Upon the conclusion of the discussions, attendees were again reminded that any further questions or comments not addressed at the meeting could be forwarded to Quible and the meeting was adjourned. It was Quible's understanding that the attendees did not show any opposition to the proposed Conditional Rezoning. The questions and discussion that took place reflected curiosity more than anything else. The attendees, in fact, stated their satisfaction with the proposed process shortly before they left.

Copies of all the handouts, exhibits, and other documents available at the meeting are provided in attachments to this document.

Please do not hesitate to contact me at (252) 491-8147 or dtillett@quible.com should you have any questions and/or concerns.

Sincerely,  
**Quible & Associates, P.C.**



Dylan L. Tillett, P.E.

cc: Mainstay Construction, Inc.  
 File

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 Telephone (252) 261-3300 • Fax (252) 261-1260



## Community Meeting for Conditional Rezoning – To C-SFM For A Traditional Subdivision

### Lots 1 & 2, Ward Acres Subdivision

Parcel Identification Numbers 8032-91-4449 & 8032-91-1546

Moyock, Currituck County, NC

October 20, 2017

### AGENDA

#### 1. General Introduction

- a. Quible & Associates, P.C.
- b. Mainstay Construction, Inc.
- c. Currituck County
- d. Sign In Sheet

#### 2. Existing Information

- a. Location:
  - i. Lots 1 & 2, Ward Acres Subdivision
  - ii. Approximately 650 ft southeast of the intersection of Tulls Creek Rd. and Dustin Ln.
- b. Current Land Use: Vacant/Agricultural
- c. Site Zoning: AG; Agricultural
- d. The existing site consists of a vacant lot without existing improvements.

#### 3. Discussion

- a. Apply for a Conditional Rezoning to C-SFM for a Traditional Subdivision. A community meeting to inform owners and occupants of nearby lands about the application for a Conditional Rezoning is required by the Currituck County Unified Development Ordinance.
- b. The Conditional Rezoning Exhibit shown demonstrates the existing neighboring zoning districts and reflect that the vast majority of adjacent property are currently SFM or C-SFM.
- c. The Sketch Plan shown demonstrates the proposed Traditional Subdivision design that will be proposed during Preliminary Plat submittal.

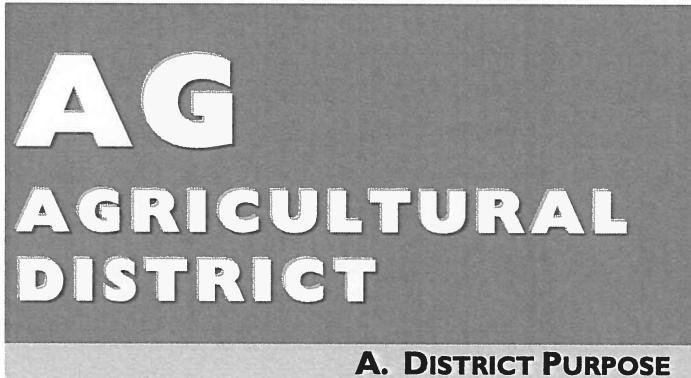
#### 4. Questions & Comments

- a. Quible & Associates and representatives from Mainstay Construction, Inc. are available to answer questions and comments.
- b. Comments can be provided in writing on Comment Forms provided or they can be sent to Dylan L. Tillett, P.E. of Quible & Associates, P.C. by email at [dtillett@quible.com](mailto:dtillett@quible.com) or by phone at 252-491-8147.

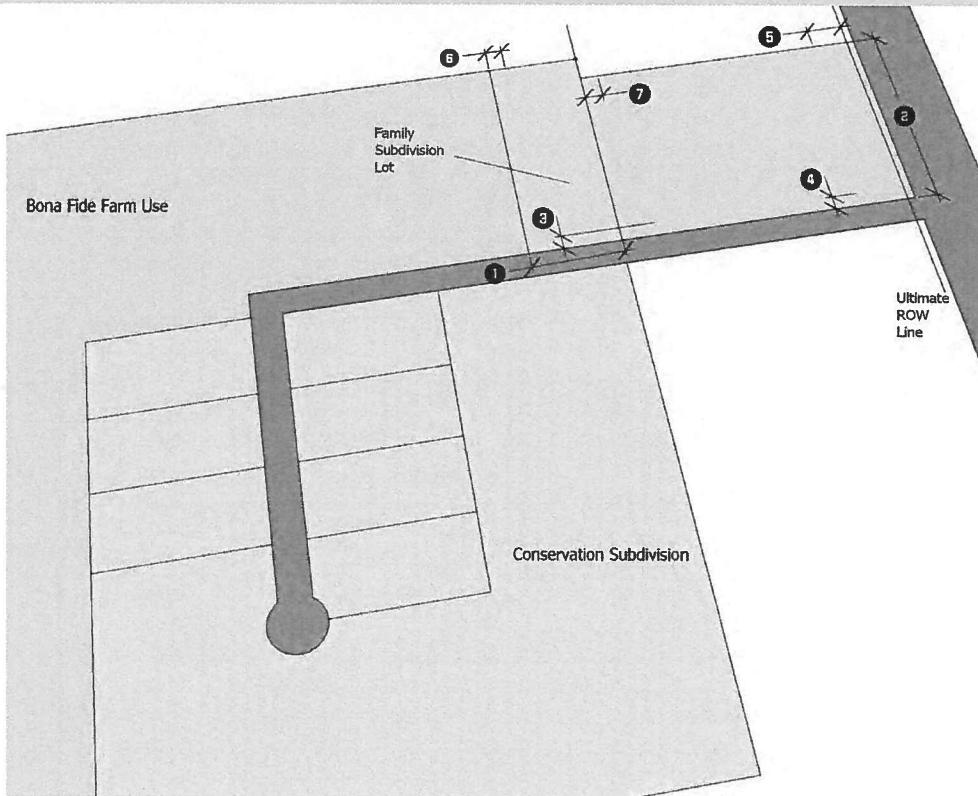
## Chapter 3: Zoning Districts

## SECTION 3.3: SPECIAL BASE ZONING DISTRICTS

## Subsection 3.3.3: Agriculture (AG) District

**3.3.3. Agriculture (AG) District****A. DISTRICT PURPOSE**

The Agricultural (AG) district is established to accommodate agriculture and agriculturally-related uses (including residential development) at very low densities in rural portions of the county. The district is intended to preserve and protect active agricultural uses, farmlands, and other open lands for current or future agricultural use. The district accommodates small-scale residential uses and allows farmers to capture a portion of the land's development potential through special provisions for conservation subdivisions that allow a portion of a tract or site to be developed with single-family homes while the balance of the site is left as open lands available for continued agricultural use. The district accommodates a wide range of agricultural and agricultural-related uses like "agri-business" and "agri-entertainment", but prohibits uses that are not directly related to or that do not provide direct support for agricultural activities.

**B. LOT PATTERNS****C. LOT CONFIGURATION**

All subdivisions resulting in six or more lots shall be designed in accordance with the conservation subdivision standards in Section 6.4.

## Chapter 3: Zoning Districts

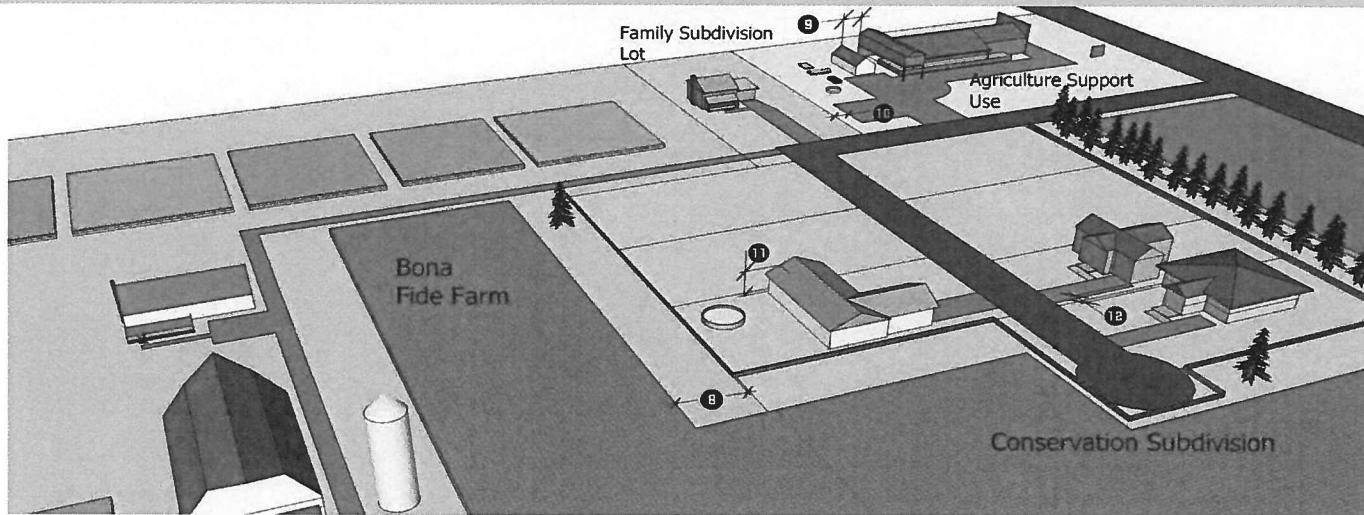
## SECTION 3.3: SPECIAL BASE ZONING DISTRICTS

## Subsection 3.3.3: Agriculture (AG) District

## D. TYPICAL BUILDING FORMS



## E. BUILDING CONFIGURATION



## F. DIMENSIONAL STANDARDS

TD = Traditional Development

CS = Conservation Subdivision Development

TD	CS	TD	CS		
Max. Gross Density (du/ac)	N/A	-	Max. Lot Coverage (%)	30	30
With 50% Open Space (du/ac)			Min. Front Setback (ft) [4]	20	N/A
County Water Supply	0.33		Min. Corner Side Setback (ft)	20	N/A
No County Water Supply [7]	0.15		Min. Major Arterial Street Setback (ft)	50	50
With 60% Open Space (du/ac)	-	0.4	Min. Side Setback (ft)	15	15
Max. Nonresidential FAR (%)	0.40	N/A	Min. Rear Setback (ft)	25	N/A
Min. Lot Area [1]			Min. Agriculture Setback (ft) [5]	N/A	50
County Water Supply (square feet)	30,000		Min. Accessory Use Setback (ft)	10	10
No County Water Supply (acres) [7]	2		Min. Driveway/Parking Setback (ft)	10	N/A
Max. Lot Area (acres)	N/A	N/A	Min. Fill Setback from all Lot Lines (ft)	10	10
Min. Lot Width, Interior Lot (ft) [2]	125	N/A	Min. Wetland/Riparian Buffer (ft) [5]	30	30
Min. Lot Width, Corner Lot (ft)	135	N/A	Max. Building Height (ft) [6]	35	35
Max. Lot Depth	[3]	N/A	Min. Spacing Between Principal Buildings (ft)	10	10

[1] Minor subdivision lots shall be at least 40,000 square feet in area on public water supply and, 3 acres in area when the proposed minor subdivision exceeds the county water supply connection distance formula

[2] All lots shall maintain a minimum street frontage of 35 feet

[3] Lot depth shall not exceed four times the lot width

[4] Front setbacks shall be measured from ultimate ROW line  
 [5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

[6] Not applied to farm structures meeting minimum setbacks plus an additional setback of one foot for each foot in height over 35 feet

[7] Applied to subdivisions that exceed the county water supply connection distance formula in Chapter 6

**3.4. RESIDENTIAL BASE ZONING DISTRICTS****3.4.1. General Purposes**

The residential base zoning districts established in this section are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

- A.** Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the Land Use Plan and applicable small area plans;
- B.** Ensure adequate light, air, privacy, and recreational and open space areas for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;
- C.** Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
- D.** Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;
- E.** Provide for safe and efficient vehicular access and circulation and promote bicycle-, and pedestrian-friendly neighborhoods;
- F.** Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development or require a residential environment while protecting residential areas from incompatible nonresidential development;
- G.** Create neighborhoods and preserve existing community character while accommodating new development and redevelopment consistent with the county's goals and objectives; and
- H.** Preserve the unique character and historic resources of the traditional neighborhoods and the community.

## Chapter 3: Zoning Districts

## SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS

## Subsection 3.4.1: General Purposes

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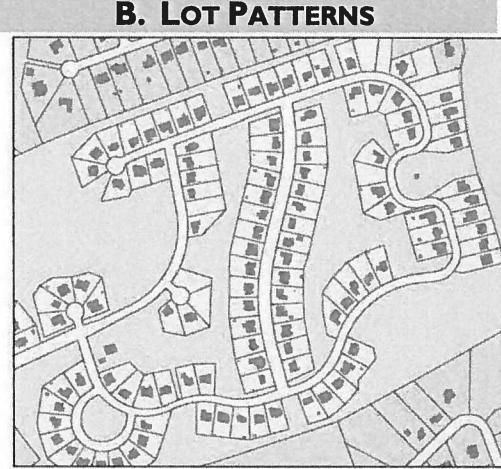
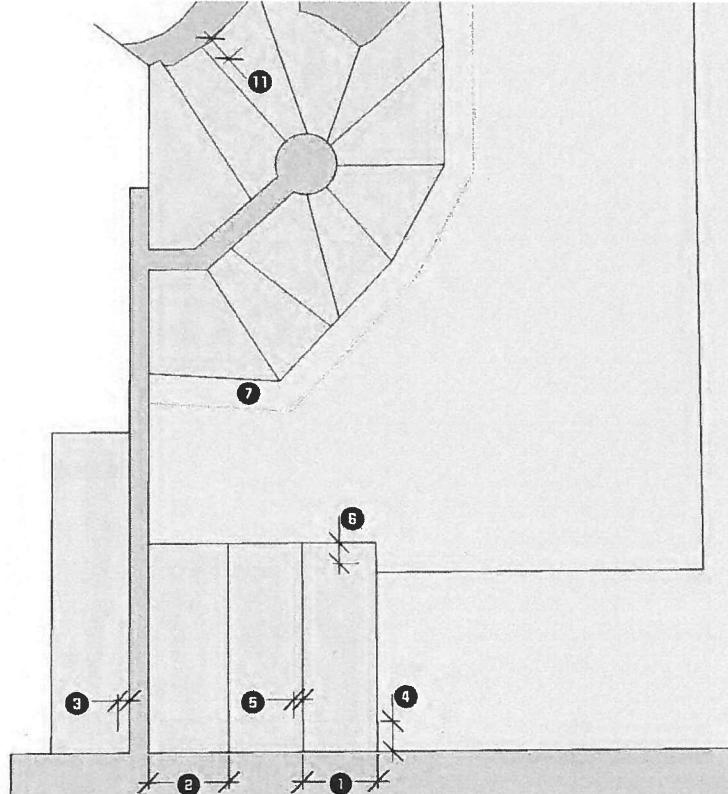
## Chapter 3: Zoning Districts

## SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS

## Subsection 3.4.2: Single-Family Residential-Mainland (SFM) District

**3.4.2. Single-Family Residential-Mainland (SFM) District****A. DISTRICT PURPOSE**

The Single-Family Residential-Mainland (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. A variety of residential use types are allowed in the district, including single-family detached homes, manufactured homes on their own lots, detached accessory dwelling units, as well as duplexes. The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, schools, and similar uses. This district also includes the conservation subdivision option with the ability to accommodate up to one unit per acre in Full Service areas designated on the future land use map of the Land Use Plan. Major utilities require approval of a use permit, while commercial, office, and industrial uses are prohibited.

**C. LOT CONFIGURATION**

Development established after January 1, 2013 that fronts or is within 1,000 feet of a major arterial street shall provide streetscape landscaping in accordance with Section 5.2.8.

## Chapter 3: Zoning Districts

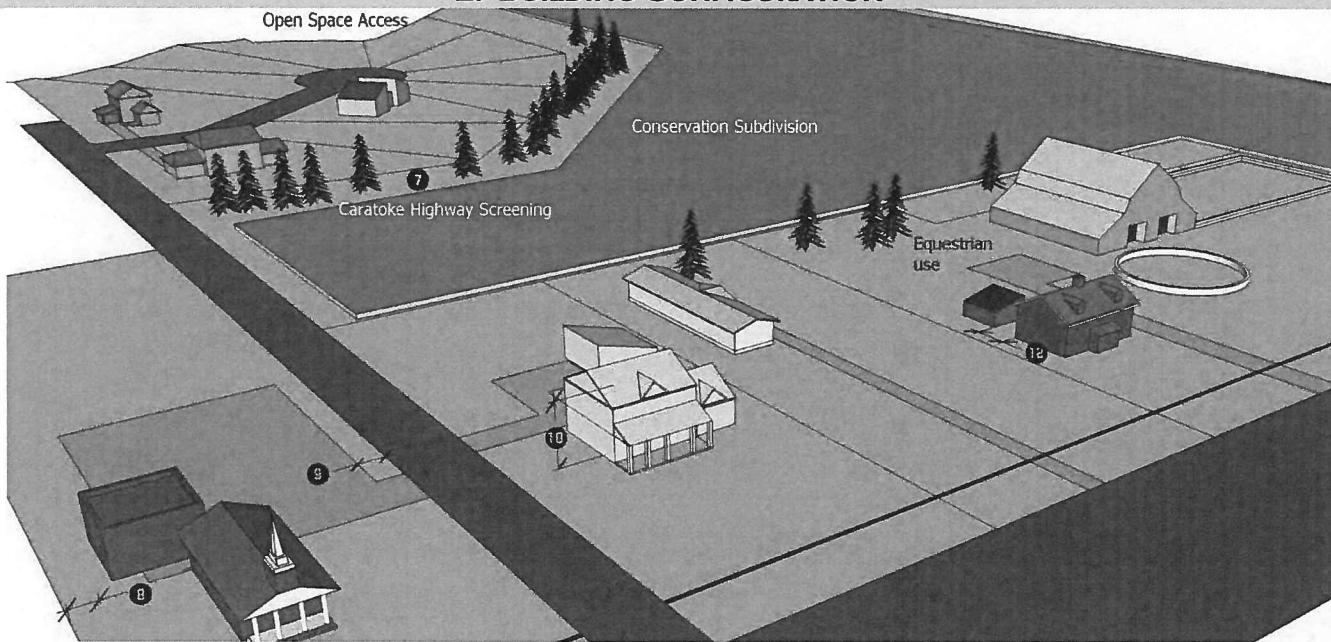
## SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS

## Subsection 3.4.2: Single-Family Residential-Mainland (SFM) District

## D. TYPICAL BUILDING FORMS



## E. BUILDING CONFIGURATION



## F. DIMENSIONAL STANDARDS

TD = Traditional Development

CS = Conservation Subdivision Development

	TD	CS		TD	CS
Max. Gross Density – Traditional Dev. (du/ac)	N/A	-	Min. Front Setback (ft)	20	N/A
Max. Gross Density – Conservation Sub.			Min. Corner Side Setback (ft) [4]	20	N/A
In Rural/Conservation Areas (du/ac)	-	0.33	Min. Major Arterial Street Setback (ft)	50	50
In Limited Service Areas (du/ac)	-	0.75	Min. Side Setback (ft)	10	10
In Full Service Areas (du/ac)	-	1.0	Min. Rear Setback (ft)	25	N/A
Max. Nonresidential FAR (%)	0.40	N/A	Min. Agriculture Setback (ft) [5]	50	50
Min. Lot Area (sf ft)	40,000	25,000	Min. Accessory Use Setback (ft)	10	10
Max. Lot Area (acres)	N/A	N/A	Min. Driveway/Parking Setback (ft)	10	N/A
Min. Lot Width, Interior Lot (ft) [1]	125	N/A	Min. Fill Setback from all Lot Lines (ft)	10	10
Min. Lot Width, Corner Lot (ft)	135	N/A	Max. Building Height (ft)	35	35
Max. Lot Depth	[2]	N/A	Min. Wetland/Riparian Buffer (ft) [5]	30	30
Max. Lot Coverage (%)	30 [3]	30	Min. Spacing Between Principal Buildings (ft)	10	10

[1] All lots shall maintain a minimum street frontage of 35 feet

[2] Lot depth shall not exceed four times the lot width

[3] 35% for platted lots of 19,000 sf in area or less

[4] Front setbacks shall be measured from ultimate ROW line

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

**Community Meeting for Conditional Rezoning – Lots 1 & 2 Ward Acres Subdivision  
Parcel Identification Numbers 8032-91-4449 & 8032-91-1546  
Moyock, Currituck County, NC**

Comments: \_\_\_\_\_

Contact Information: \_\_\_\_\_

**Community Meeting for Conditional Rezoning - Lots 1 & 2 Ward Acres**  
**Moyock, Currituck County, North Carolina**  
**Quible & Associates Project No. 17088**  
**Community Meeting Sign In: Friday, October 20th, 2017 at 1:30 PM**



#	Name	Company / Organization / Address	Telephone No.	Fax No.	Email
1.	Dylan L. Tillett, P.E.	Quible & Associates, P.C.	(252) 491-8147	(252) 491-8146	dtilllett@quible.com
2.	John Mark London	110 Dustin Ln. Moyock (757)-214-3829			
3.	John B. Hill	109 Dustin Ln.	757-377-2875		brad@hilleqco.com
4.	Don Williams	Main Street Const	252-202-0744		
5.	Donna Voliva	Currituck County			
6.					
7.					
8.					
9.					
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11.					
12.					
13.					
14.					
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7.					
8.					



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – 2062**

**Agenda Item Title:** Consideration & Action: PB 17-15 Currituck County: Currituck County requests to amend the Unified Development Ordinance to update Chapter 10: Definitions and Measurement, Subsection 10.3.6: Height, to clarify the size and placement of appurtenances including church spires, belfries, cupolas, and domes.

**Submitted By:** Jason Litteral – Planning & Community Development

**Item Type:**

**Presenter of Item:** Jason Litteral

**Board Action:** Action

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

Currituck County requests to amend the Unified Development Ordinance to update Chapter 10: Definitions and Measurement, Subsection 10.3.6: Height, to clarify the size and placement of appurtenances including church spires, belfries, cupolas, and domes.

**Planning Board Recommendation:**

**Staff Recommendation:**

**TRC Recommendation:**



## Currituck County

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

To: Board of Commissioners  
 From: Planning Staff  
 Date: January 16, 2018  
 Subject: PB 17-15 Currituck County – Text Amendment

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The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to update Chapter 10: Definitions and Measurement, Subsection 10.3.6: Height, to clarify the size and placement of cupolas.

### **PLANNING BOARD RECOMMENDATION 12/12/18**

**RESULT: RECOMMENDED APPROVAL [UNANIMOUS] Next: 1/2/2018 6:00 PM**

**MOVER:** Steven Craddock, Board Member

**SECONDER:** Jeff O'Brien, Board Member

**AYES:** Carol Bell, Chairman, Fred Whiteman, Vice Chairman, C. Shay Ballance, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**ABSENT:** J. Timothy Thomas, Board Member

**Motion:** Recommended approval of the text amendment with the suggested change of adding under E. 4) Total height of the appurtenance shall be no greater than 75 feet from the finished grade - due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development.

**Discussion:** Planner I, Jason Litteral presented the staff report for the Currituck County Text Amendment to amend the Unified Development Ordinance to update Chapter 10: Definitions and Measurement, Subsection 10.3.6: Height, to clarify the size and placement of cupolas.

Chairman Bell asked the board members if they had questions for staff. Mr. O'Brien asked if there was a height requirement in addition to the placement and size of the appurtenances. Mr. Litteral said it was 200 feet according to the Unified Development Ordinance.

Discussion was held between staff and board members on the need for a lower height requirement.

Chairman Bell closed the public hearing and asked for a motion.

Mr. Craddock motioned to approve the text amendment with the suggested change of adding under E. 4) Total height of the appurtenance shall be no greater than 75 feet from the finished grade - due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development.

Mr. O'Brien seconded the motion and the motion carried unanimously.

**PB 17-15**  
**CURRITUCK COUNTY**

Amendment to the Unified Development Ordinance Chapter 10 Definitions and Measurement.

**Background:**

The current UDO limits structures to a mean roof height of 35 feet above finished grade. Certain structures and appurtenances such as cupolas, belfries, and domes are exempt from the height limit, assuming they comply with the requirements set forth in section 10.3.6 (see below).

The current definition of cupola does not limit the size or height of a cupola and reads as follows:

***Cupola:*** *A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.*

In order to maximize the interior space and curb appeal of structures, contractors are proposing oversized “cupolas” that do not meet the intent of the exemption. These cupolas are much larger in proportion to the building than typical cupolas. Some do not sit on top of a roof but instead are extensions of the walls of a buildings top floor.

This text amendment is intended to set a standard for cupolas by placing specific conditions on their construction.

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 10. Definitions and Measurement is amended by adding the following underlined language and deleting the struck-through language:

**10.3.6 Height**

**C. Exceptions**

**(1) General**

Height limits shall not apply to bulk storage silos, grain elevators, barns, chimneys, elevator shafts, church spires, belfries, cupolas, domes, flag poles, monuments, water towers, rooftop dish antennas, solar equipment, skylights, fire escapes or roof access stairways, outdoor recreation uses subject to Section 4.2.4.F., mechanical equipment required to operate and maintain the building, or similar appurtenances, provided:

- (a) The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;
- (b) The appurtenance does not exceed a maximum height of 200 feet above grade;
- (c) The appurtenance is not constructed for the purpose of providing additional floor area in the building; and
- (d) The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in this Ordinance.
- (e) The maximum area and height of cupolas shall be determined as follows:
  - 1) The area of the base of appurtenances shall not singularly or collectively exceed 10 percent of the footprint of a structure's roof, or 200 square feet, whichever is less.
  - 2) The appurtenance shall be situated on top of a roof and shall not extend below the midpoint of a roof's ridge and eave.
  - 3) The walls of the appurtenance shall not be directly in line with the any exterior walls of the structure.
  - 4) The appurtenance does not extend more than 15 feet above the highest roof ridge.

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

**Item 4:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Board of Commissioners' Chairman  
Attest:

Leeann Walton  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: 7 AYES 0 NAYS  
.....

PLANNING BOARD DATE: 12/12/17  
PLANNING BOARD RECOMMENDATION: Approval  
VOTE: 7 AYES 0 NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: 12/20/17 & 12/27/17  
BOARD OF COMMISSIONERS PUBLIC HEARING: 1/2/18  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_